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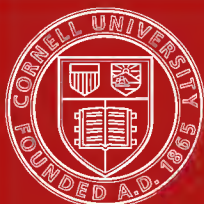
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Public papers of Frank S. Black, governor



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STATE OF NEW YORK.

PUBLIC PAPERS

OF

FRANK S. BLACK

GOVERNOR

1897-1898

TWO VOLUMES IN ONE

VOL. I

ALBANY
PRESS OF BRANDOW PRINTING CO.

1898

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PUBLIC PAPERS
OF
GOVERNOR BLACK
1897

DESIGNATION OF JUSTICE GOODRICH AS
PRESIDING JUSTICE OF THE APPELLATE
DIVISION FOR THE SECOND DEPARTMENT

STATE OF NEW YORK

Executive Chamber

In accordance with section two of article six of the Constitution and the statute in such case made and provided, the

Honorable WILLIAM W. GOODRICH

of the city of Brooklyn, a Justice of the Supreme Court of the Second Judicial District, is hereby designated as a Justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department and as Presiding Justice thereof for the term ending December thirty-first 1903.

Given under my hand and the Privy Seal of the
[L S] State at the Capitol in the city of Albany this
second day of January in the year of our Lord
one thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

ASSIGNMENT OF RETIRED JUSTICE DYKMAN TO DUTY IN THE SUPREME COURT

STATE OF NEW YORK

Executive Chamber

Whereas the term of office of the Honorable Jackson O. Dykman as Justice of the Supreme Court in and for the Second Judicial District having been abridged on the 31st day of December 1896 by the limitation of age prescribed by section 12 of article VI of the Constitution and he prior to said date having served ten years as such Justice and having thereby become entitled to receive the compensation established by law for the remainder of the term for which he was elected, to wit until the 31st day of December 1903, which said compensation is now being received by him; and

Whereas he having consented to be assigned by the Governor to any duty in the Supreme Court while his compensation is so continued; and it appearing to my satisfaction that the public interest requires it;

Therefore By virtue of the power conferred upon me by section 12 of article VI of the Constitution and upon filing his written consent thereto, I do hereby appoint the

Honorable JACKSON O. DYKMAN

to any duty in the Supreme Court which he might lawfully have performed if his term of office had not been

abridged as aforesaid, for and during the term ending December 31, 1897.

Given under my hand and the Privy Seal of the
[L S] State at the Capitol in the city of Albany this
second day of January in the year of our Lord
one thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

ANNUAL MESSAGE

STATE OF NEW YORK

Executive Chamber

Albany, January 6, 1897

TO THE LEGISLATURE:

The message of the Governor is a constitutional requirement, and the facts and recommendations herein submitted are in compliance therewith.

FINANCIAL CONDITION

The finances of the State are satisfactory in spite of the hard times. The total valuation of property is \$4,368,-712,903. The State tax for the fiscal year is \$11,751,-837.71, and the total funded debt was on September 30, \$2,320,660. The revenues received during the last year from corporations, inheritance tax and the Raines Liquor

Law were \$8,030,228.66, the liquor law alone yielding \$3,564,014.98. Notwithstanding this prosperous condition, every reasonable endeavor should be made to put the rate of taxation lower. The large expenses now practically fixed, including charities, the school system, the canals, the capitol, and aggregating nearly thirteen millions of dollars a year, render a satisfactory rate impossible, but the present depression and the uncertainties of the future demand the most exact scrutiny compatible with the magnitude and importance of our enterprises. The plan of appropriations, it seems to me, could be improved. That now followed permits money to be voted at any time during the session of the Legislature, with no recommendation or backing except one or more members whose activity and desires may be strong enough to work it through the two Houses. This method may, and I understand does, result in appropriations for special purposes which are covered by general appropriations made later. In my judgment the wisdom of an expenditure should have some other demonstration than the zeal of a member for his own projects or locality. Appropriations for the national government are made upon estimates provided by the different departments, thus providing the sanction and, to some extent, the responsibility of those departments for the required outlay. A department should know its own needs and all matters properly within it should be cared for upon its estimate, accom-

panied by a report showing their necessity. This method would in some measure fix the responsibility and would be, if not a safeguard, at least a check.

THE PRISONS

Few subjects are of more importance than the treatment of criminals. Imprisonment is not alone for punishment, but for the safety of society and the reformation of the criminal. The last purpose can be accomplished only by the steady employment of the convict. Idleness imprisoned would result always in degradation, and the hope of reformation would be destroyed. Even if the welfare of the criminal were out of the question, society itself can not afford the blemish that would be put upon it by enforcing a degradation deeper than that resulting from imprisonment. Work must be provided and at once. The constitutional provision respecting prison-made goods increases the difficulty of providing it. There are nearly 20,000 persons in our hospitals and charitable institutions. The needs of these inmates should be met as far as practicable by the work of the criminal class, and if necessary in order to increase the opportunity for labor, the use of machinery should be dispensed with; for the saving of money is no part of the problem until the product of the criminal class falls below the reasonable wants of all the inmates of the State institutions. It is purely a question of State policy which broadens into a question of safety and morals. This subject might be relieved by

a system of industrial training, which in addition to the product made would afford an occupation upon which the convict when released might rely.

The employment of short-term convicts in the making or improvement of roads may not be impracticable, and the consideration of a plan having that end in view may now well occupy your attention. The suggestions made in the report of the State prisons commission have been carefully prepared, and I commend those suggestions. The subject is urgent and its consideration should not be postponed. Its difficulty will be constantly increased by delay, for without employment the retrogression of our criminals will be marked and inevitable.

BANKING

The past year has been marked by many disastrous business failures, and yet out of 215 banks of deposit and discount, only two have failed and four have gone into voluntary liquidation. This record made in a year of unprecedented stress, when the resources of the banks themselves have fallen off over thirty millions of dollars, demonstrates their stability. Our savings banks are and have long been a source of pride and encouragement. They are the depositaries of the savings of the thrifty and industrious. Their history marks with greater accuracy than any other sign the tendency of affairs among the comparatively poor. Their gain for years has been won-

derful and steady, but the increase in deposits for the past year of over forty-six millions of dollars, raising the total to the marvelous sum of seven hundred and fifteen millions, shows that the pluck and energy of the working class are too strong to be overcome by an adverse current. The administration of these banks must be careful and wise and their investments safe.

The building and loan associations, of which more than four hundred are now in existence with a capital of fifty millions of dollars, may be productive of substantial gain. They are entitled to just and considerate legislation, but nothing should be omitted to make their management economical and sound.

INSURANCE

The report of the Superintendent of Insurance indicates that all companies doing business in this State, with one or two exceptions, are sound. If any legislation could lessen the number of weak companies it should be passed, for a company that is not likely to fulfill its contracts should not be allowed to make them.

LABOR

Every year the so-called labor question grows more important, and the need of its proper solution more imperative. The Board of Mediation and Arbitration, the Factory Inspector, and the Bureau of Labor Statistics

are of considerable value. Their work is in the right direction, but they are still far short of the requirements which the growing and enormous interests of the laboring people in this country have created. There is no natural antagonism between labor and capital. They are the same. Capital is nothing but labor turned into money. A man who quarrels with the accumulations of his neighbor, discourages the thrift and economy of which he himself ought to be an example. He makes war upon the very condition which he hopes some time to attain. Those who create and foster discontent in the mind of the laborer are not his friends. The largest opportunities possible to the laboring man should be provided. The largest wages consistent with the rights of the employer should be paid, and different persons performing the same work, even though some of them be women, should receive the same compensation. These results are more likely to occur through reason and mutual acquaintance than through rebellion. Tolerance is the first requisite of amicable relations, and this will arise when the employer and the laborer understand each other. Some plan should be devised which would afford to each, such information of the other as will form a basis for the friendly adjustment of differences between them. No such plan now exists here, and the result is the appalling loss of wages and property which is so often seen when the rights of the employer and laborer clash. The plan known as the University Extension has been tried in England, and is said by many

to have produced satisfactory results. It is the investigation by careful, intelligent and conscientious men into the affairs of the laboring people, and their relations to their employers. Its tendency and purpose is to give and to get information, and by seeing both sides, prevent the conflict which a view of only one might produce. The work of the Commission of Mediation and Arbitration does not meet the need described. It is designed rather to settle disputes than to prevent them, and while it may be effective in producing such settlement, the damage has already been done.

Whether or not the scheme of the University Extension is feasible, it at least affords a suggestion along lines which must at some time be pursued. I commend this subject to the Legislature for that careful consideration which the great need of all our people in this direction demands for it.

THE NATIONAL GUARD

The National Guard of the State, including the Naval Militia, consists of about fourteen thousand men. The Naval Militia has come to be an important arm of the service, but the equipment for practical training is inadequate. I suggest that you consider the subject of building a State cruiser upon which the Naval Militia might receive such actual training as is provided the guard in the camp at Peekskill. The discipline and efficiency of the National Guard are high, and actuated by a

desire to maintain this condition, I suggest to the Legislature the wisdom of putting this body upon a footing where its chief executive officer is not likely to be changed at every political election. This officer ought not to be subject to political control, and the frequent changes alluded to must have a disheartening effect upon the members of the National Guard and impair its high standard of service. This suggestion, if agreeable to the Constitution, might well extend to the whole of the Governor's staff, for it is certain that the National Guard would be served quite as well by officers with a more permanent tenure, and it is equally certain that the lustre shed upon the Governor by his staff might be dispensed with without loss of his dignity or danger to the State.

RAILROADS

The railroad companies of the State have, with every other industry, felt the blight of the last year. Their condition however is still fairly prosperous. But little legislation is necessary upon this subject, but the frequency of accidents at railroad crossings has rendered necessary some means to prevent them. The method of reaching this result is not clear. The serious menace that surrounds all travelers where highways and railroads cross upon the same plane, would justify an inquiry by the Legislature through a commission or otherwise, as to the proper disposition of this question.

AGRICULTURE

No class does more work for small pay than farmers. No class renders greater service to the community at large or more completely meets the requirements of substantial citizenship. Their interests and occupation underlie the prosperity of the whole people. Any just legislation should be favored which would lighten the unusually hard condition under which they have suffered for the past few years. The establishment of a commission of agriculture was in the interest of the farmer and its work has been well done, but I understand that inadequate appropriations have prevented that accomplishment along certain lines which might be reasonably assisted. The proper application of the oleomargarine law and punishment for its violation may be cited as one particular in which lack of money has prevented the best results. The hard times now upon us should cause a careful scrutiny of every expense, but times can not be hard enough to justify withholding appropriations which are necessary to maintain the law and to protect the rights of every class.

PUBLIC HIGHWAYS

The means of obtaining good roads has been discussed for several years, and is worthy of the most careful attention. The roads of this State are not what they ought to be. Their rough and neglected condition in many instances has been the cause of severe but just condemna-

tion. Many States with a comparatively small percentage of the wealth and population of New York, far surpass us in the construction and maintenance of roads. The need for improvement is apparent, and the initial steps can not be taken too soon to place our highways in a condition suitable to our wealth and population, and to remove a long continued and merited reproach.

THE CAPITOL

This subject may well be approached with reluctance. It is about 30 years since the building was started, and over twenty-two millions of dollars have been appropriated and spent or sunk. It has dragged itself through nearly a third of a century, always clamoring for money, until the people have nearly despaired of its completion and have come to regard it as an affliction from which time affords but little hope of relief. If an individual or a corporation had managed an undertaking as this has been managed, they would have been discredited years ago. We have now reached a point where the parts first constructed are in need of repairs, while other parts of the same building are unfinished. Other structures of enormous size and expense and of unequalled magnificence have been constructed in many places, begun years after the capitol was commenced and completed long ago. This building ought to be finished at once. The work should be done by contract, and sufficient money appropriated

to pay for it. The State needs the structure for its uses, but it needs still more to escape the scandal of a building of enormous cost and unparalleled extravagance* undergoing at the same time the process of construction at one end and decay at the other.

CANALS

The improvements to be made on the canals under the "Nine Million Dollar Act" are likely to be justified by the result. They will retain the advantages secured to us by nature and previous expenditures. The progress so far appears satisfactory, and the work should be prosecuted with the utmost energy in order that the money provided may not be consumed in the usual experience of commissions and examining boards and supernumeraries under different titles, and also that the benefits contemplated may be speedily enjoyed.

THE INSANE

This most unfortunate of the dependent classes has been transferred to the care of the State under the act of 1890. New York is the first State to establish a broad and comprehensive system which yields the greatest benefits at the least cost. The system is now complete and its operation shows that the central supervision of expenditures makes a large annual saving over the old system of local administration. It places the welfare of the State above the interest of localities. The policy of recent

legislatures should be continued. The annual report of the State Commission in Lunacy is commended for its statement of those matters which can not be reviewed at length here. An important addition is the Pathological Institute, which harmonizes the scientific work of the several hospitals and increases their efficiency. The increase in the number of insane is less than in former years, due probably to the revision by the Legislature of the insanity laws. This is said not to have worked detrimentally, for every proper case has been received and treated. The transfer of New York county to the State system with a lack of accommodation for the insane and the necessity for disproportionate construction during the ensuing year, creates an unusual condition which should be provided for.

The care of these unfortunate persons should be upon the broadest and most humane lines which the most enlightened minds can devise. The institutions of this State for the care of the insane are I believe conducted with patience and skill, and some which I have visited I know to be worthy of the highest praise. Economy, desirable in every direction, should in this be tempered with generosity.

PUBLIC SCHOOLS

The magnitude of our school system is partially expressed in its cost during the past year, which has been over twenty-four millions of dollars. More than 27,000

teachers have been employed, and more than 1,283,000 pupils instructed. The attendance during the past year has increased, probably as an effect of the Compulsory School Law, but there are still over 368,000 children who do not attend school. The number last stated is too large for the safety of the State. Their education should, in some way, be cared for. Facilities should be provided for those who are willing to attend, and compulsory institutions established for those who are not. A reformatory is not a proper place for a child not in need of reformation, but under the present law such reformatory seems to be the only place provided. A system of truant schools might be considered for those whose attendance is compulsory, and for those whose failure to attend is due solely to absence of opportunity the Legislature should strive to provide some means of attendance.

EXCISE LAW

The operation of the present excise law has been in many respects satisfactory. The revenue received from it from May 1st to November 20th was \$11,000,083, more than twice as much as the receipts for licenses during the entire year of 1895. It has caused a large decrease in the number of saloons, and the expense of running the excise department is less than that of running the old excise boards. The law can however be improved, and that improvement should be among the first duties of this Legislature. Some of the amendments needed are obvious to

those living where the law has been applied, and others are apparent to those who have given the subject careful study. Neither class of amendments can be recited with any profit here, but all changes should have in view the protection of those who have in good faith attempted to obey the law and the prevention of those who, by subterfuge or direct violation, have attempted to evade it.

CIVIL SERVICE

This subject has been much discussed, generally exaggerated, and has provided capital to many who would otherwise be bankrupt. The value of practical civil service is beyond question. Its importance was recognized by the last constitutional convention, and its place is now fixed in the fundamental law of the State. But the work of the Legislature is necessary to render effective the provisions of the Constitution. This work should be done promptly and in good faith, not with reference to ideas so delicate as to be worthless in actual practice, but with a view solely to the elevation of the public service and the highest discharge of the duties of every public office. Beauty is not always a test of efficiency and machinery that works disastrously is worse than that that will not work at all. Every means must be adapted to the end desired and in my judgment, civil service will work better with less starch. A scheme is not necessarily effective or high-toned because it lacks common sense, and they are not necessarily hostile who think that com-

mon sense would improve it. An examination for a public place should be suitable to the kind of service required, and sufficient margin should be given those making appointments so that the most competent help can be selected. Experience, character, tact and even muscle may be of more importance in some cases than the fraction of one per cent. in an examination in geography. The discretion of the appointing power should not be entirely subordinated to the marking system. If an examination has disclosed the fact that a certain number of men are qualified to fill a given position, the place would be more likely to be properly filled if the appointing officer could select from the whole number so qualified than if he were limited to a quarter of that number. Furthermore, it would reduce the chances of injustice to an applicant whose qualifications, on the whole, were superior to those of his competitor who had outranked him on paper. Civil service is intended to secure for the public at a reasonable cost, unquestioned integrity and approved skill, enlarged by continuous service, and not to exploit any particular idea. This intention should be carried out by the Legislature and will meet with prompt executive approval.

FORESTS

A question too long neglected is the preservation of our forests. The State, either through indifference or false economy, has been stripped of its most valuable timber lands, allowed its water supply to be seriously im-

paired and the most wonderful sanitorium in the world to be defaced and partially destroyed. Every element of economy and foresight is outraged by this course. Private individuals have taken advantage of the State's neglect until of the entire Adirondack region, consisting of more than three and a half million acres, the State owns eight hundred and forty-one thousand, less than a quarter, and of the proposed Adirondack park of two million eight hundred thousand acres, it owns even a smaller percentage, about six hundred and sixty-one thousand acres. Of this proposed park more than eight hundred and eighty thousand acres are held as private preserves, and more than a million and a quarter acres by lumbermen and others, so that of the proposed total area of two million eight hundred thousand acres, more than two millions are owned by private individuals. More than a million and a quarter of the two millions so owned, are now subject to fire and axe, and the devastation wrought yearly is appalling and disgraceful. More than 450,000,000 feet of wood and timber are cut, and more than one hundred thousand acres stripped, every year. This work of devastation is progressing fast. The banks of the lakes and rivers and all sections accessible from either, are ravaged at such a pace that but few years more can elapse before that region, in many respects the most wonderful and valuable in the world, will be practically destroyed. The parts acquired or claimed by individuals are the best. A traveler through any desirable portion of that country is sure to be met with the charge of trespassing, for the

cases are rare in which the title of the State to a desirable tract is acknowledged. Some time this deplorable condition must be rectified. Every year the loss to the State grows larger, in all cases difficult, and in some cases impossible, of recovery. The land is steadily and rapidly increasing in value. The bogus title burrows farther out of sight the longer it is let alone. Witnesses die, and the only thing sure to increase is the encroachment of individuals upon the domain of the State. The enlargement of the canals will require more water and the demand in every direction is increasing while the supply is steadily falling off. A subject of such magnitude should not be postponed nor conducted with the halting method which is too apt to distinguish public enterprises in which large appropriations afford convenient resting places in which office holders may grow old. Not long ago the State appropriated a million dollars to preserve the beauties of Niagara Falls. That subject is without significance compared to the Adirondack forests. Every consideration of health, pleasure, economy and safety urge the speedy consideration of this subject, and such consideration should include appropriations adequate to ascertain the nature of the titles adverse to the State, and to recover where the titles are insufficient and to purchase where they are valid. Any other course would be false and unwise economy.

GREATER NEW YORK

No legislation passed this session will involve greater responsibilities or be more far reaching in its effect than

that relating to the communities to be embraced in the city of New York. This subject does not concern us alone, for the extent of its influence it is not safe to predict. Conditions have arisen more than once in which an entire National policy has depended upon this State. When questions of such moment become thus dependent, the position of the city of New York is commanding and may be decisive. Every move upon this subject should result from the utmost caution and study. I have entire confidence in the wisdom of the commission in whose hands the work has thus far rested, and whatever the Legislature may do to complete or supplement that work will I trust be done under a sense of the profoundest responsibility.

BIENNIAL SESSIONS

In many States the Legislature convenes once in two years, and wherever that practice prevails I understand there is no disposition to return to the yearly meeting. This is a large State and its interests are enormous and diverse, but these do not justify or even excuse the large number of confusing, expensive and unnecessary laws passed at every session. They serve no proper purpose whatever, and their tendency is to unsettle and mislead, even if they contain nothing more objectionable. The legitimate needs of this State can be provided for in a shorter time than is generally consumed, and the chief hope arising from protracted sessions and the passage of unnecessary laws is that the people may in their next Con-

stitution conclude to correct both with biennial sessions.

I should be glad if no act should be passed not of pronounced utility or to meet some urgent public need. This would make possible an early adjournment, for which the people are always grateful.

FRANK S. BLACK

APPOINTMENT OF AN EXTRAORDINARY
TRIAL TERM AT LONG ISLAND CITY AND
DESIGNATION OF JUSTICE DYKMAN
THERETO

STATE OF NEW YORK

Executive Chamber

IT APPEARING to my satisfaction that the public interest requires it,

Therefore in accordance with the statute in such case made and provided I do hereby appoint an Extraordinary Trial Term of the Supreme Court to be held at the courthouse in Long Island City and county of Queens on Monday the fifteenth day of February next at eleven o'clock in the forenoon of that day and to continue so long as may be necessary for the disposal of the business that may be brought before it; and

Whereas the term of office of the Honorable Jackson O. Dykman as justice of the Supreme Court in and for the Second Judicial District having been abridged on the 31st day of December last by the limitation of age prescribed by section 12 of article VI of the Constitution and he

having thereby become entitled to continue to receive for the remainder of the term for which he was elected, to wit until the 31st day of December 1903, the compensation established by law, and which compensation is now being received by him; and

Whereas he having consented to be assigned by the Governor to the duty in the Supreme Court which is herein specified;

Therefore by virtue of the power conferred upon me by section 12 of article VI of the Constitution and upon the filing of his written consent to such designation, I do hereby designate the

Honorable JACKSON O. DYKMAN

to hold the said Extraordinary Trial Term of the Supreme Court above appointed; and

I do further direct that notice of the appointment aforesaid be given by publication of this order once on or before the tenth day of February 1897 in the Jamaica Standard and Brooklyn Standard-Union newspapers.

Given under my hand and the Privy Seal of the
[L S] State at the Capitol in the city of Albany this twentieth day of January in the year of our Lord one thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

DESIGNATION OF JUSTICE BARNARD TO
HOLD THE TRIAL TERM IN THE FIRST
DISTRICT

STATE OF NEW YORK

Executive Chamber

Whereas The term of office of the Honorable Joseph F. Barnard as justice of the Supreme Court in and for the Second Judicial District having been abridged by the limitation of age prescribed by section 12 of article VI of the Constitution and he having thereby become entitled to receive for the remainder of the term for which he was elected, to wit until the 31st day of December in the year 1899, the compensation established by law and which compensation is now being received by him; and

Whereas He having consented to be assigned to the duty in the Supreme Court which is hereinafter specified and it appearing to my satisfaction that the public interest requires it;

Therefore By virtue of the power conferred upon me by section 12 of article VI of the Constitution and upon the filing of his written consent to such assignment, I do hereby assign the

HONORABLE JOSEPH F. BARNARD

to preside at and hold trial term, part twelve, of the Supreme Court in the First Judicial District for the

February term in the year 1897, and to perform all the duties of a justice presiding at such term.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L S] twenty-first day of January in the year of our
Lord one thousand eight hundred and ninety-
seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATE OF ELECTION OF SENATOR
THOMAS C. PLATT

STATE OF NEW YORK

Executive Chamber

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES,
GREETING:

In obedience to the statute of the United States the
Executive of the State of New York certifies that

THOMAS COLLIER PLATT

an inhabitant of said State and of the age of thirty years
and upward and who had been nine years a citizen of the
United States, was by the concurrent vote of the two
branches of the Legislature of the State of New York
on the twentieth day of January, 1897, duly elected in

conformity with the provisions of the Constitution and the laws of the United States a Senator to represent the State of New York in the Senate of the United States for the term of six years commencing on the fourth day of March, 1897.

Given under my hand and the Great Seal of the
State of New York at the Capitol in the city
[L S] of Albany this nineteenth day of February in
the year of our Lord one thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

JOHN PALMER

Secretary of State.

MATTER OF DISTRICT ATTORNEY BACKUS —
NOTICE AND SUMMONS

STATE OF NEW YORK

Executive Chamber

*In the matter of the charges preferred against FOSTER L.
BACKUS the district attorney of the county of Kings — Notice
of charges and summons.*

*To FOSTER L. BACKUS the district attorney of the county of
Kings:*

You are hereby notified that charges of neglect of duty in office have been preferred against you by Thomas C.

Jenks of the city of New York and a copy of said charges is herewith served upon you.

You are therefore required to show cause why you should not be removed from the office of district attorney of the county of Kings and to answer the said charges within eight days after service of this order and a copy of said charges upon you.

In witness whereof I have signed my name and
affixed the Privy Seal of the State at the
[L S] Capitol in the City of Albany this twentieth
day of February in the year of our Lord one
thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH,

Private Secretary

DESIGNATION OF JUSTICE PARKER TO THE
APPELLATE DIVISION, TEMPORARILY

STATE OF NEW YORK

Executive Chamber

IT APPEARING to my satisfaction that the public interest requires it,

Therefore in accordance with the Constitution and the statute in such case made and provided, I do hereby designate the

Honorable ALTON B. PARKER

who is a justice of the Supreme Court in and for the third judicial district as an Associate Justice of the Appellate Division of the Supreme Court for the First Department to sit during the current month in place of the Honorable George C. Barrett who is incapacitated by reason of illness.

Given under my hand and the Privy Seal of the
State at the Capitol in the City of Albany this
[L S] sixth day of March in the year of our Lord
one thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

DESIGNATION OF JUSTICE PARKER TO THE
APPELLATE DIVISION, TEMPORARILY

STATE OF NEW YORK

Executive Chamber

IT APPEARING to my satisfaction that the public interest requires it,

Therefore in accordance with the Constitution and the statute in such case made and provided, I do hereby designate, the

HONORABLE ALTON B. PARKER

who is a justice of the Supreme Court in and for the third judicial district as an Associate Justice of the Appellate Division of the Supreme Court for the First Department to sit during the month of April, 1897, in place of the Honorable George C. Barrett who is incapacitated by reason of illness.

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this [L s] twenty-third day of March in the year of our Lord one thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

MESSAGE TRANSMITTING STATEMENT OF
PARDONS, COMMUTATIONS AND RESPITES

STATE OF NEW YORK

Executive Chamber

Albany, March 25, 1897

TO THE LEGISLATURE:

I have the honor to transmit herewith a statement showing the pardons, commutations and respites granted by my predecessor during the year 1896.

FRANK S. BLACK

[See Public Papers of Governor Morton for such statement.]

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL INTRODUC-
TORY No. 795 AMENDING THE EXCISE LAW

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

IT APPEARING to my satisfaction that the public interest requires it,

Therefore in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill introductory number 795 entitled "An act to amend chapter one hundred and twelve of the laws of eighteen hundred and ninety-six, entitled 'An act in relation to the traffic in liquors, and for the taxation and regulation of the same, and to provide for local option, constituting chapter twenty-nine of the General laws'."

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L S] ninth day of April in the year of our Lord one
thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

VETO OF ASSEMBLY BILL No. 347 FOR THE
REMOVAL OF A CANAL BRIDGE AT SANDY
HILL

STATE OF NEW YORK

Executive Chamber

Albany, April 15, 1897

TO THE ASSEMBLY:

Assembly bill Number 347 entitled “An act authorizing the removal of the wooden bridge over the Glens Falls feeder of the Champlain canal at the crossing of Main street in the village of Sandy Hill, and the substitution of a wrought iron or steel bridge, and making an appropriation therefor,” is herewith returned without approval.

This bill authorizes the Superintendent of Public Works to remove the wooden bridge over the Glens Falls feeder of the Champlain canal in the village of Sandy Hill and to erect in its place “a wrought iron or steel bridge and to make such changes, alterations and additions in the abutments as may be required for the convenient use of said bridge and its approaches”. The sum of five thousand dollars is appropriated for this purpose.

I am advised that the wooden bridge referred to in this bill is now in fair condition; that the erection of an iron bridge in its place is not a matter of immediate public necessity, and that there is no urgency which requires an expenditure for a new bridge at this time.

For these reasons I think this bill should not receive Executive approval.

FRANK S. BLACK

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL INTRODUCTORY
NUMBER 1237 RELATING TO THE GRANT
MONUMENT

STATE OF NEW YORK

Executive Chamber

Albany, April 16, 1897

TO THE LEGISLATURE:

IT APPEARING to my satisfaction that the public interest requires it,

Therefore in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me I do hereby certify to the necessity of the immediate passage of Senate bill introductory number 1237 entitled "An act to make further provision to celebrate the dedication of the Grant Monument in the city of New York".

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L S] sixteenth day of April in the year of our Lord
 one thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

DESIGNATION OF JUSTICE PARKER TO THE
APPELLATE DIVISION, TEMPORARILY

STATE OF NEW YORK

Executive Chamber

IT APPEARING to my satisfaction that the public interest requires it,

Therefore in accordance with the Constitution and the statute in such case made and provided, I do hereby designate the

Honorable ALTON B. PARKER

who is a justice of the Supreme Court in and for the third judicial district as an Associate Justice of the Appellate Division of the Supreme Court for the First Department to sit during the May term, 1897, in place of the Honorable George C. Barrett who is incapacitated by reason of illness.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L S] seventeenth day of April in the year of our
Lord one thousand eight hundred and ninety-
seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION TO THE NECESSITY OF THE
PASSAGE OF SENATE BILL No. 1729 MAKING
APPROPRIATIONS FOR EXPENSES OF GOV-
ERNMENT

STATE OF NEW YORK

Executive Chamber

Albany, April 21, 1897

TO THE LEGISLATURE:

IT APPEARING to my satisfaction that the public in-
terest requires it,

Therefore in accordance with the provisions of section
fifteen of article three of the Constitution and by virtue
of the authority thereby conferred upon me I do hereby
certify to the necessity of the immediate passage of Senate
bill number 1729 entitled " An act making appropriations
for certain expenses of government, and supplying de-
ficiencies in former appropriations ".

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L S] twenty-first day of April in the year of our
Lord one thousand eight hundred and ninety-
seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

PROCLAMATION OF A PUBLIC HOLIDAY ON
THE DEDICATION OF THE GRANT MONU-
MENT

STATE OF NEW YORK

Executive Chamber

The twenty-seventh day of April eighteen hundred and ninety-seven, the anniversary of the birth of the late General Ulysses S. Grant, has been selected for the dedication in the city of New York of a monument to his memory and in his honor.

The Legislature having designated the day of this dedication as a public holiday in the counties of New York, Kings, Westchester and Queens, I therefore recommend that Tuesday the twenty-seventh day of April, instant, be observed in the counties named as a day of general thanksgiving.

Done at the Capitol in the city of Albany this
twenty-second day of April in the year of our
[L s] Lord one thousand eight hundred and ninety-
seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL INTRODUCTORY
NUMBER 1254 AMENDING THE GREATER
NEW YORK CHARTER

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

IT APPEARING to my satisfaction that the public interest requires it, and in compliance with the request made to me signed by the Mayor and the Comptroller of the city of New York, and by General B. F. Tracy, the Chairman of the "Greater New York" Commission,

Therefore in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill introductory number 1254 entitled "An act to aid the financial administration of the city of New York".

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L S] twenty-third day of April in the year of our
Lord one thousand eight hundred and ninety-
seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL INTRODUCTORY
No. 1418 FOR EXPENSES OF GOVERNMENT

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

IT APPEARING to my satisfaction that the public interest requires it,

Therefore in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me I do hereby certify to the necessity of the immediate passage of Assembly bill introductory number 1418 entitled " An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations ".

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L S] twenty-fourth day of April in the year of our
Lord one thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL INTRODUCTORY
No. 1803 FOR EXPENSES OF GOVERNMENT

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

IT APPEARING to my satisfaction that the public interest requires it,

Therefore in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me I do hereby certify to the necessity of the immediate passage of Assembly bill introductory number 1803 entitled " An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations ".

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L S] twenty-fourth day of April in the year of our Lord one thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL INTRODUCTORY No. 1804 FOR THE SUPPORT OF THE
INSANE

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

IT APPEARING to my satisfaction that the public interest requires it,

Therefore in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me I do hereby certify to the necessity of the immediate passage of Assembly bill introductory number 1804 entitled " An act to appropriate money for the support of the insane under the provisions of chapter five hundred and forty-five of the laws of 1896 ".

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L S] twenty-fourth day of April in the year of our Lord one thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL INTRODUCTORY No. 1805 — THE APPROPRIATION BILL

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

IT APPEARING to my satisfaction that the public interest requires it,

Therefore in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me I do hereby certify to the necessity of the immediate passage of Assembly bill introductory number 1805 entitled "An act to provide ways and means for the support of the government".

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L S] twenty-fourth day of April in the year of our Lord one thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

MEMORANDUM FILED WITH SENATE BILL
PRINTED No. 1717—THE APPROVED CIVIL
SERVICE BILL

STATE OF NEW YORK

Executive Chamber

Albany, May 15, 1897

*Memorandum filed with Senate Bill printed number 1717
relative to Civil Service examinations — Approved*

Many wise and fair-minded citizens are opposed to this measure, but their opposition has been expressed with thoughtfulness and candor. Their opinions have had great weight with me and I am reluctant to disagree with their conclusions.

The bill has also been savagely attacked by those who are neither wise nor fair-minded. These attacks proceed from sources in which the public long since ceased to confide. For this latter class I have no respect. It is composed mainly of the disappointed and unsuccessful, aided now and then by some decrepit figure who, having once enjoyed the rewards and betrayed the confidence of his party, is now anxious to explain and justify that betrayal. This justification when reduced to a sediment consists of the statement that all public officers are dishonest and should not be trusted. This conclusion is probably natural if based upon the character and conduct of those who reach it. The American public is long

suffering and kind, but it despises those who hope by slandering others to postpone for a day their own departure into complete obscurity.

I am in favor of an honest efficient civil service and will support any law that seems likely to produce that result. The Republican party is pledged to that course, but that party not only favors an honest result but it also favors reaching it in an honest way.

The people of this country recently witnessed the wholesale removal of trusted officials in government employ and the filling of their places with favored friends of different political faith. This manoeuvre was followed by putting the places thus filled under the protection of civil service rules. This outrage was nicknamed "Civil Service Reform," and has been praised and justified by every hysterical assailant of this Lexow Bill. This fact alone should dispose of their sincerity, for they knew it was not reform but rank party politics under a pretense meant to deceive. Whatever the Republican party believes, it has the courage to admit. It believes in an honest, practical and competent civil service, stripped of sham and subterfuge, and it has the courage to pass a law by which such service can be attained. Public duties cannot be well performed by those who possess education and nothing else. These duties are varied, important and exacting. They demand experience, tact, character and all those qualities recognized by sensible men everywhere as essential to first-class service.

No man in his private business could hope to succeed if he selected his help in accordance with the present civil service rules. No man in his private business ever does so select, yet it is universally admitted that public and private business should be conducted as nearly as possible upon the same basis. Why then should we insist upon a rule in public affairs which we reject in our own?

I have been told that the reason is that the public officers cannot be trusted to select their subordinates; that corrupt appointments will be forced upon them by political influence. Men who believe this to be true are themselves weak or dishonest. But if it is true, how does the present system remedy the trouble? If a public officer having the power of appointment is forced to be dishonest, why would not a public officer having the power of examination be dishonest as well? Both are public officials; both are indebted to some political party for their places. To my mind it seems probable that a civil service examiner would yield to corrupt pressure sooner than the responsible head of a department. For in the case of the examiner, he has no responsibility whatever and runs no risk. He may certify to the qualifications of his incompetent and lowbred friends without limit, and send them to the different departments. He pays no penalty for their inefficiency or misdeeds. On the other hand the head of every department is responsible for the conduct of its affairs; he is always under bonds and the penalty for the corruption or stupidity of his subordinates

must be paid by him. His own safety demands a careful scrutiny of those who serve under him.

It is clear to me that a weak dishonest man is far more likely to produce results harmful to the public service if he is an examiner with full swing and no risk, than if he were the head of a department steadied by his bond and the responsibilities of a great bureau. Heretofore the examining board has had full power to select employees and the departments have had sole responsibility of settling for them.

I have been told too that heads of departments have no time to devote to the selection of help. If that is true, how do they spend their time? The selection and supervision of their subordinates is one of the duties for which they are chosen. They are supposed to manage, improve, discipline and advance in every way the affairs of the department under them. They do little else. If they do not supervise their departments to the extent of knowing the character and qualifications of their help, they fail in their most important duty. But the benefits of supervision are only partial unless accompanied by the right of selection. The denial of this right often obstructs the discharge of official business. Those who consult their experience instead of their prejudice know that it often happens in great departments that business is seriously hampered by the want of competent help and the inadequacy of the present system to promptly supply it, when if the officer in charge had half the right which

private individuals enjoy, he could improve both the character of his help and the quality of the work performed. Every head of a department, not so cowed by the perennial reproach of the civil service Pharisee that he is afraid to tell the whole truth, will declare that he could select better help for his own office than an examining board can select for him. It will be observed that those officers who are quoted as favoring the present system, seldom say more than that they are glad to be relieved of the duty of selecting their subordinates. They should not be relieved, and a system that has as its highest testimonial the admission of a timid official that he is willing to shirk a part of his duty, should not yet be considered sacred, nor those who criticise it, profane. The weakness of the present system is its failure to determine experience, tact, character and habits, qualities without which the highest educational tests are of no value. This bill makes a proper and necessary modification. It gives to the examining board the right to examine an applicant as to his merit, and the head of a department the right to examine as to his fitness. The examination of the board shall count for one-half and the department for the other. This will mean that the educational or theoretical examination now provided for shall be supplemented by a practical examination to be given by the department which is in need of help and which alone has knowledge of the particular duties for which such help is required. Under the old system if fairly conducted, the

recent graduate of the high school or college would be almost certain to be appointed. Under the system provided in this bill the practice, training, habits, tact and manners of the applicant will be ascertained. Under the proposed method the chances of the practical man for appointment and of the public service for improvement will be greatly increased. If criticism is to be made of the words "merit" and "fitness," that criticism should be addressed not to the Lexow bill but to the Constitution from which latter instrument these words are taken.

The tendency now is to concentrate power and responsibility in those holding public office. The drift of legislation in recent years has been to clothe mayors of cities and other important officials with enlarged powers. This tendency has generally numbered among its advocates such persons as now oppose this bill.

How can it be consistently urged that the power of those officers under no pecuniary liability whatever for the acts of their subordinates should be enlarged, while the heads of departments responsible in every sense and in every way for subordinates should be absolutely stripped of the power of selection?

The present system is neither just nor practical. I believe the Lexow Bill improves it in both respects. If it does not, or if something better can be devised, I am willing to co-operate with those who will in good faith make the attempt to improve it.

FRANK S. BLACK

REDESIGNATION OF JUSTICE PARKER TO
THE APPELLATE DIVISION OF THE SUPREME COURT

STATE OF NEW YORK

Executive Chamber

IT APPEARING to my satisfaction that the public interest requires it,

Therefore in accordance with the Constitution and the statute in such case made and provided I do hereby designate the

Honorable ALTON B. PARKER

who is a justice of the Supreme Court in and for the third judicial district as an Associate Justice of the Appellate Division of the Supreme Court for the First Department to sit during the June term, 1897, in place of the Honorable George C. Barrett who is incapacitated by reason of illness.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L S] nineteenth day of May in the year of our
Lord one thousand eight hundred and ninety-
seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

VETO OF SENATE BILL PRINTED No. 1445, TO
INCREASE THE NUMBER OF STATE RAIL-
ROAD COMMISSIONERS

STATE OF NEW YORK

Executive Chamber

Albany, May 19, 1897

*Memorandum filed with Senate Bill printed number 1445 known
as the Railroad Law, with reference to the number of railroad
commissioners — Not approved*

I have never been able to consent to this bill. Without the Governor's signature it cannot become a law, but I prefer to call attention to it directly rather than let it appear to have died from oversight. It came to my notice early in the winter. I was opposed to it then and my opinion has never changed. It would have been better if the Legislature had not passed it, for that party makes a mistake which attempts to create an expense for which there is no excuse. The railroad commission in this State is already large enough. That commission now has three members, and its duties could be discharged by less. The expense is paid by the railroads, but this single fact affords no reason for increasing the amount. This bill emphasizes and yields to the disposition, too little checked in late years, to create new offices for the sole purpose of filling them. The state tax, while not burdensome, is too high. It could be substantially reduced

without detriment to the public service. Some of the state commissions might well be abolished. The mania for new offices and new commissions is running wild. If legislation were enacted abolishing some of the commissions already existing, I should be more favorable to it than I am to this bill.

The membership of a commission should not be increased unless one of two conditions exists: first, that the commission is overworked, or second, that it is entrusted with the expenditure, with slight or no compensation, of large sums of money. In the last case the increase would extend the supervision and diminish the chances of extravagance. Neither of those conditions exists here. A large number of worthy persons approve of this measure, but their desire cannot properly prevail when it involves the extension of a practice already carried too far.

FRANK S. BLACK

VETO OF ASSEMBLY BILL No. 1522—THE
DUDLEY INHERITANCE TAX BILL

STATE OF NEW YORK

Executive Chamber

Albany, May 21, 1897

*Memorandum filed with Assembly bill number 1522 entitled
"An Act to amend the tax law in relation to graduated
transfer taxes"—Not approved*

Under the law now existing in this State, a tax of five per cent. is imposed upon the transfer of all property,

real or personal, above five hundred dollars in amount, when such property passes by the death of the owner or is conveyed by him in contemplation of death. To this general provision there is an exception which includes cases where the persons taking are parents, children and a few others specifically named. In cases embraced in the exception, the tax is reduced to one per cent. and applies only to personal property above ten thousand dollars in value. This proposed bill increases the five per cent. tax upon personal property, after it reaches five hundred thousand dollars in value, at the rate of one per cent. for every two hundred and fifty thousand dollars or major fraction thereof, until the increased rate shall reach fifteen per cent. It also increases the one per cent. tax upon personal property until that tax reaches ten per cent. The increase begins when the estate is worth one million dollars and continues at the rate of one-half of one per cent. every quarter of a million up to two millions and a half and at the rate of one per cent. for every quarter of a million thereafter, up to the ten per cent. limit.

It is apparent that this bill makes a radical change in the law. Estates which under the present statute would pay a tax of five per cent. might under the proposed bill pay a tax of fifteen per cent. Estates which would now pay one per cent. might under the Dudley bill pay ten per cent. For a change so sweeping, even if its effects fell upon all alike, there should be substantial reasons.

Conditions have existed and may again exist when burdens almost overwhelming in the form of taxation were necessary and were borne without complaint. But those were war times and the conditions then and now bear no resemblance. The State is not in need of money. Its tax rate is comparatively low and is likely to be less before it is greater. The people will pay next year to the State only \$2.67 upon every thousand dollars of property. A farm assessed at \$2,000 will pay to the State in taxes \$5.34. This bill affects only the state tax, but the state tax is not oppressive; it is the county and city taxes that bear so heavily, and some means should be adopted to make this fact appear. The legislature is invariably held responsible in the public mind for the tax rate, and yet only once in ten years has the state tax reached three dollars and a-half on a thousand. If extravagance in local affairs were corrected the tax burden would be greatly reduced, and I believe that the legislature should require that tax bills and tax warrants should be itemized so as to show the State, city and county taxes separately in order to put the responsibility where it belongs and suggest a remedy for over-taxation. This bill therefore cannot be defended on the ground of the State's urgent need for increased revenue.

It has been claimed in support of the bill that personal property to a very large extent now evades taxation. This may be true, but to my mind this bill is not the proper remedy. Personal property is now subject to tax-

ation under the laws of this State. If that law were properly enforced there would be but little evasion. The fault is with the officers of the law and not with the law itself. It is not denied that personal property in some cases pays its share, and yet this law, in order to reach those who have evaded, would punish those who have already paid. This State ought not to confess that it is powerless to enforce its laws except by grouping the innocent and guilty together and punishing the whole. There is nothing in the present time or condition to demand that confession.

But there are other considerations which to me are controlling. The operation of the proposed law might impose the most serious hardships. It is not unusual that the death of those living to an advanced age is soon followed by the death of a successor in the direct line of descent. This law would deduct ten per cent. upon large estates for each death, so that in case of two deaths, one-fifth of the entire property would be appropriated to the State, and this perhaps upon property that had already paid its full tax. In cases where the maximum tax is fifteen per cent., the amount taken by the State would be still greater. Such cases are not improbable or remote, but if they were both, the State should not create such a contingency without the amplest justification.

But the strongest argument against this bill is that the rate proposed is not uniform or fair. There is no reason

why one man's dollar should pay more than another man's. There is no reason why the last million dollars of a man's property should pay more than the first million. The discrimination between the two is a penalty, not a tax. Under this bill an inheritance of a million would pay a tax of ten thousand dollars, and an inheritance of four millions under similar circumstances would pay four hundred thousand dollars. The inheritance would be only four times as large in one case as in the other, but the tax would be forty times as much. If this is constitutional, it ought not to be. Every dollar ought under the same conditions to pay the same tax. Any other theory of taxation is not only unjust, but dangerous. If such a tax as this could be imposed, any other might be. In this country equality is demanded in all things, and taxation must certainly be included. If this rule were not adhered to, one set of men might without restraint impose a tax for another set to pay. Unlimited power of discrimination cannot safely be trusted to any one. A step like this would cost dearly in the long run. The experience of last summer and fall had a significance which should keep us from following dangerous trails. The country made good its escape then, but the margin of safety was not enough to encourage the doctrine that laws may be passed imposing burdens from which those who pass the laws may exempt themselves. In this country the right of suffrage is carried too far. Danger-

ous elements from abroad are yearly vaccinated into our population. Restlessness, apparent or just under the surface, is far too prevalent. Legislatures, depending upon popular vote, are changing every year and are seldom too conservative. If we are wise we shall adhere to the rule that a man who passes a law must abide by it himself.

The claim that the rich are growing richer and the poor poorer is not true, and would have no bearing here if it were. Poverty is not increasing, but the accumulations of the industrious are steadily on the gain. We have had hard times, to be sure, but this stringency comes not alone from a decreased income but from a too liberal way of living as well. In times of prosperity expenditures are made and habits indulged which can be sustained in prosperous times only, but when the income shrinks these habits become headstrong. Our burden then seems double, because a reduced income is struggling with the tastes and habits left over from prosperous times.

Neither is it true that the rich receive greater protection from the government according to their property than the poor. The reverse is probably true. This is illustrated in the case of fire and police protection and school facilities. Those possessed of large means can through the employment of servants protect themselves against fire and the inroad of criminals. They can and to a very large extent do educate their children outside the public schools. On the other hand, people of moder-

ate means depend very largely upon the government for the advantages named. These latter considerations have no proper weight upon problems like those involved in this bill, and they are alluded to here only because the tendency is growing to thrust them into the discussion of every public question.

It has been urged before me in opposition to this bill that wealthy men may leave the State in case it becomes a law. This is a danger which I should not have the slightest hesitation in encountering provided the bill were just. Taxation should be fairly imposed even though the rich might prefer to leave the State rather than bear their share, but we should be certain that a proposed act is equitable before we face the risk of driving millions of property now in the State into adjoining commonwealths. We already receive substantial benefits from the estates of the rich, both living and dead. Those of the living find investments in large business enterprises which afford employment to their fellow-citizens. They encourage public improvements, and develop that spirit of activity and progress which improves and enlarges every community.

Furthermore, those splendid charities which are so conspicuous and frequent in this country are chiefly the endowments of the rich and are solely for the benefit of the poor, and under the existing law these estates upon the death of their owners yield large sums of money to the

State, having yielded during the year ending September 30, 1896, more than \$1,750,000.

The greatness, wealth and power of this State depend in no small degree upon the reasonable certainty, from the character of its people, that its laws will be just and its government honestly administered. There is no State which has hitherto attracted so many of the rich and progressive of other states, as the State of New York. Millions of money are brought here every year from every state in the union to remain permanently, and this increase of money and of most desirable citizens should not be retarded by the adoption of an unwise and unjust policy. I believe that every dollar should pay its equal share of the burdens of government and if the laws now existing do not reach that end, they should be amended and then enforced. The proposed bill fails in my judgment to correct the evil aimed at, but creates another. I am therefore constrained to withhold my approval.

FRANK S. BLACK

VETO OF ITEMS IN ASSEMBLY BILL No. 2792 —
A SUPPLY BILL

STATE OF NEW YORK

Executive Chamber

Albany, May 24, 1897

*Statement of items of appropriation objected to and not approved, contained in Assembly bill number 2792 entitled " An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations "—
Not approved*

The several items herein enumerated contained in Assembly Bill No. 2792 entitled " An act making appropriations for certain expenses of Government and supplying deficiencies in former appropriations," are objected to and not approved for the reasons herein stated.

First —" For deficiency in appropriation under chapter nine hundred and forty-nine of the laws of eighteen hundred and ninety-six, for the secretary of state, to be expended by him in purchasing, at such prices as he may deem reasonable, not exceeding eighteen dollars per set, sufficient sets of the ninth edition of the revised statutes of the state of New York, prepared by Charles A. Collin, as will enable the secretary of state to complete distribution of said statutes to the officers named in said statutes, namely; One set thereof to the governor, one to the lieutenant-governor, one to each senator, member of assembly, judge of the court of appeals, justice of the supreme court, and county court, and to each other

officer, board or department, except town clerk, now entitled by law to receive printed copies of the session laws, the sum of five thousand dollars, or so much as may be necessary, to be paid upon the audit of the comptroller ”.

The sum of five thousand dollars was appropriated for this purpose last year and I am informed that the secretary of state used the appropriation for the distribution of sets of these statutes to the principal state officers and courts named in the statute making the appropriation. It would seem that this edition has already been distributed to as many officers as the state can fairly be called upon to furnish copies of the statutes. Owing to the revision of the statutes now going on, the edition as authorized by the law of last year had to be supplemented by an additional volume, and the revisions and general laws enacted at the late session of the legislature will probably require another volume. Whenever the revision of the statutes is substantially complete, it may be well to distribute copies to most of the public officers of the state, but it does not seem to me advisable to continue the distribution of this edition at this time.

Second — “ For salaries and expenses of Fish and Game protectors and foresters, four thousand three hundred and fifty dollars.

For the commissioners of Fisheries, Game and Forests and for services of fire wardens, the sum of four thousand dollars, or so much thereof as may be necessary.

For office expenses and clerical force two thousand two hundred and fifty dollars."

I think that sufficient appropriations have already been made for these purposes by the general appropriation bill already approved.

Third—"For the superintendent of public works, for protecting the public highways in the town of Olive, Ulster county, from the overflowing waters of Bush Creek, the sum of two thousand dollars".

No reason has been presented why the state should be called upon to make this appropriation, not in connection with state lands or state waters, but to assist a town for a local object. The towns are charged by law with the maintenance of their highways, and only in extraordinary cases should expenditures be made by the state to assist in the maintenance of highways under purely local jurisdiction.

Fourth—"For the superintendent of public buildings, for rebuilding walls, for repairing roofs and gutters and reconstructing portions of the boiler-house, for resetting and repairing boilers, for new coils and repairs to heating apparatus, for extra fuel, for additional lights, lighting and electric wiring and for other necessary repairs, supplies and equipments, and for repairing streets and walks about the public buildings the sum of thirty thousand dollars."

A large appropriation has been already made for the purpose of completing the capitol, and the sum above

appropriated is I think too large to be made at this time. The repairs specified in the item, even if deemed desirable, may I think reasonably be postponed another year.

Fifth —“ For the second judicial district law library at Newburgh for the purchase of law books and reports, the necessary rebinding of books belonging to said library, and the expense of keeping the books of said library insured against loss or damage by fire, the sum of two thousand dollars to be paid on bills therefor certified by the majority of the trustees having charge of said library.”

This library has already received large appropriations from the state. The libraries of the appellate divisions and court of appeals should be maintained by the state and liberal appropriations have already been made for this purpose. There is a general law under which appropriations amounting to six hundred dollars each are made to various law libraries and the appropriation bill already approved contains an item for such libraries. They must necessarily have a limited use, and while convenient for judges and lawyers living in the immediate vicinity, I think that large appropriations for their maintenance should only be made in exceptional cases.

Sixth —“ For the supreme court library in the sixth judicial district at Elmira, the sum of three thousand dollars is hereby appropriated for the purchase of law books and the expense of keeping the books of said library, said bills to be paid when certified by a majority of the trustees having charge of said library.”

This library was established in 1895 and an appropriation of three thousand dollars was made for that purpose. In 1896 the library was added to the list of those entitled to receive six hundred dollars annually and an appropriation of that amount has already been made. There are several libraries in the sixth district entitled to this annual appropriation, and I do not think this library at Elmira should receive an additional amount at this time.

Seventh—"For the purchase of books to replenish and maintain the law libraries of the supreme court of the first department, two thousand dollars, one-half of said sum to be expended for the library of the appellate division, and the other half for the library of the trial branch of said court located in the county court house of the county of New York."

By chapter eighty-one of the laws of this year, the sum of five thousand dollars was appropriated for the law libraries in the first department to be distributed as directed by the justices of the appellate division in that department. It is to be presumed that the appropriation made by that act, which was approved March 22, was sufficient and no reason is given why an additional sum is now required.

Eighth—"For the board of managers of the House of Refuge for the Reformation of Juvenile Delinquents, at Randall's Island, New York city, for: Electric lighting plant, dynamo and equipments, providing light for all the buildings, including the yards and grounds adjoining, eighteen thousand dollars; school furniture to complete

the refurnishing of the class rooms begun in the year eighteen hundred and ninety-five, one thousand seven hundred dollars, laundry and its equipment including* an engine, a drying room, hot and cold water supply pipes and needful connections for the first and second divisions three thousand seven hundred dollars; brick laying, mason work and building instruction shop and fittings and equipment, one thousand five hundred dollars; plumbing work in water closets in the first and second division yards, one thousand dollars; new wash troughs, water and steam pipes and equipment in lavatories, in the first and second divisions, two thousand five hundred dollars; steam pipes and radiators throughout the building, two thousand five hundred dollars; two new printing presses in printing shop and type, five hundred dollars; fire escapes from the chapel in main building to the ground, including necessary alterations, five hundred dollars; additional fire hydrants and water mains for the extinguishment of fire, including labor of putting the same in place, one thousand dollars; making a total of thirty-two thousand nine hundred dollars. No part of the appropriation for said institution shall be available until the title shall be transferred to the state, under the direction of the attorney-general ”.

While this appropriation may be proper and desirable, it is made practically unavailable by the last sentence which provides in substance that the money cannot be used until the title to the institution shall be transferred to the state. I am informed that it is at this time legally impossible to make this transfer. This condition is unfortunate as it renders the proposed appropriation substantially useless.

Ninth —“ The sum of five thousand six hundred and seventy dollars and ninety-two cents, being the unexpended balance of the appropriation made by sections one and two of chapter five hundred and ninety-two of the laws of eighteen hundred and ninety-five, for the Northern New York Institution for Deaf Mutes, for motive power, to operate printing press, for lathe for carpenter shop, for payment for land purchased, for ice house and cooler, for cattle barn, mowing machine, horse rake and tools for farm, tailor shop, kindergarten building and for fence about the grounds and for grading, is hereby reappropriated, to be expended for the purposes above mentioned, or such portions thereof as may be necessary.”

This institution is not the property of the state and I do not think any further appropriation should be made for it, until it has been transferred to the state.

Tenth — “ For the New York State Woman’s Relief Corps Home, the sum of ten thousand and fifty-five dollars for construction, equipment and repairs; to be apportioned three thousand five hundred dollars for barn and other necessary out-buildings, thirteen hundred and fifty-five dollars for plumbing and five thousand two hundred dollars for general repairs, grading grounds and supplemental construction and equipment ”.

I think that a sufficient appropriation for this institution for this year has already been made.

Eleventh —“ For the faculty of the medical department of the university of Buffalo, for the equipment and maintenance of a laboratory to be devoted to an investigation into the causes, nature, mortality, rate and treatment of

cancer; and the salaries of officials of the same, ten thousand dollars; same to be paid upon vouchers officially signed by the director of said laboratory, or, in his absence, by the secretary and treasurer of the faculty ”.

I cannot approve a proposed policy which requires the State to engage in the investigation of the causes of various diseases with which the human family is afflicted. I think that the interest of the people themselves and the skill, intelligence and enterprise of physicians may be depended upon to make such investigation.

Twelfth —“ For the New York State Dairymen’s Association, to pay the expenses for their annual meeting and print their report of the same, twelve hundred dollars, or so much thereof as may be necessary ”.

This is a voluntary private enterprise and I see no reason why the State should appropriate money to pay its expenses.

Thirteenth —“ For the purchase of books to fill out the incomplete sets in the Senate library, and for binding and necessary repairs to the books in the Senate library, the sum of one thousand dollars, the same to be paid by the Comptroller on audit of the clerk of the Senate ”.

No special reason has been presented for this expenditure at this time, and I think it is unnecessary.

Fourteenth —“ For the clerk of the Assembly, for engrossing the resolutions ordered by the Assembly, five hundred dollars, or so much thereof as may be necessary, to be paid upon the certificate of the clerk of the Assembly ”.

The Assembly has a large force of clerks. It would seem that the resolutions could be engrossed by the regular clerks within the usual appropriations, without extra expense to the State.

Fifteenth —“ For M. J. Dady, the sum of four thousand five hundred dollars to purchase the two story brick building and land situated at and adjoining the Kings county farm for the use of Long Island state hospital, which amount was appropriated by chapter nine hundred and fifty of the laws of eighteen hundred and ninety-six, and is hereby appropriated.”

I am informed that this property is not now desired for state purposes.

Sixteenth —“ The sum of fifteen thousand dollars is hereby appropriated for the use of the State Board of Health in carrying out the provisions of chapter six hundred and seventy-four of the laws of eighteen hundred and ninety-four, relating to the examination of cattle for tuberculosis. No part of this appropriation shall be available for any other purpose than for paying claims for damages for cattle killed pursuant to law ”.

If the appropriation for this purpose was ever justifiable which may be doubted, I think it is now generally regarded as undesirable.

Seventeenth —“ For the making of a careful survey and investigation of the oil and gas regions of the State of New York, and a report upon the same, which shall be communicated to the legislature as a part of the annual report of the State geologist, the sum of twenty-five

hundred dollars, to be expended upon the certificate of the State geologist and the audit of the Comptroller”.

I think that the investigations of this character should be left to private enterprise. The commercial spirit of our people may I think be relied upon to make all the investigations necessary to develop oil and gas territory.

FRANK S. BLACK

VETO OF ITEMS IN ASSEMBLY BILL No. 2793 —
A SUPPLY BILL

STATE OF NEW YORK

Executive Chamber

Albany, May 24, 1897

*Statement of items of appropriation objected to and not approved, contained in Assembly bill number 2793 entitled “An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations”—
Not approved*

The several items herein enumerated contained in Assembly bill number 2793, entitled “An act making appropriation for certain expenses of government, and supplying deficiencies in former appropriations”, are objected to and not approved for the reasons herein stated.

First — “For the Adjutant General, for deficiency in appropriation for the current fiscal year for the bureau of military record, five hundred dollars”.

This item is also in the regular supply bill and is therefore disapproved here.

Second —“ For the Secretary of State, for purchasing one thousand copies, bound in full sheep, of the index to the session laws, from eighteen hundred and eighty-six to eighteen hundred and ninety-seven, inclusive, prepared by Henry L. Woodward, the sum of three thousand dollars; such copies to be delivered to the Secretary of State before January first, eighteen hundred and ninety-eight, and distributed one each to the persons, boards and commissions, except town and village clerks, entitled to receive copies of the session laws, pursuant to section forty-six of the legislative law ”.

In 1896 the legislature passed a resolution directing the clerk of the Assembly to cause to be prepared a general index of the laws from 1886 to 1896, and print one thousand copies. I am informed that this work has been done and that the index is now in the hands of the public printer. The above item is for the publication of an index prepared by private enterprise, and while the distribution of the index prepared by the clerk of the Assembly will not be distributed to all of the officers named in this item, additional copies may be hereafter procured and a further distribution made. An appropriation for the work done by the clerk of the Assembly is contained in the regular supply bill and is approved. I do not think that another appropriation should be made now for the purchase of a similar book.

Third —“ For the Comptroller, for expenses in making appraisal and inventory of property owned by the State, ten thousand dollars, or so much thereof as may be necessary ”.

The annual reports of the managers of the various institutions contain ample, if not complete inventories of the property of the State under their charge. There is, however, a large amount of property of the State which is not and could not be included in these reports, and I think it is very desirable to make at an early day a complete inventory of all of the property, real and personal, owned by the State, but I think the work can properly be postponed for a short time, and this item is therefore disapproved.

Fourth —“ For John B. Stanchfield, for expenses and disbursements incurred by him, and for services in the defense of Eugene F. Vacheron, Member of Assembly in and for the third district of Queens county for the year eighteen hundred and ninety-six, the sum of three thousand dollars ”.

I think that a Member of Assembly charged with an offense committed even in his official capacity, unless under very peculiar and extraordinary circumstances should employ and pay his own counsel. There is nothing in this case which I think justifies the payment by the State of the counsel fees of Mr. Vacheron.

Fifth —“ For the Superintendent of State Prisons, for tools, machinery, guards, team work and other requirements necessary for the proper construction and repair,

by the use of convict labor, of such highways in the vicinity of Sing Sing prison as said superintendent may deem it for the best interest in the State to so construct or repair, the sum of three thousand five hundred dollars, payable from the capital fund of Sing Sing prison."

While there may be no objection to the use of convict labor in making and repairing highways in the vicinity of State prisons, I do not think the State should purchase the materials and bear all the expense. The localities should not be relieved from all the expense in doing this work, simply because they are near the prisons.

Sixth—"For the Commissioners of Fisheries, Game and Forest, the sum of nineteen hundred and fifty dollars, or so much thereof as may be necessary, for the purpose of copying, engraving and printing the map of the forest preserve in the counties of Ulster, Delaware, Greene and Sullivan".

I am not aware of any immediate necessity for the publication of the map described in this item.

Seventh—"For the library of the Supreme Court in the city of Kingston, the sum of two hundred and eighty dollars, for the purchase of a set of Federal Cases, to be paid on bill to be audited by the majority of the trustees having charge of said library".

I am informed that this library will receive six hundred dollars from the general law library appropriation. The books referred to in this item should be purchased, if needed, from that appropriation.

FRANK S. BLACK

OMNIBUS VETO
LIST OF BILLS REMAINING UNSIGNED

STATE OF NEW YORK

Executive Chamber

Albany, May 24, 1897

The following bills remaining in my hands and previously undisposed of are not approved because of defective drafting, questionable propriety, objectionable provisions, duplication of bills already signed, non-action by the cities which they affect as is required by the Constitution, or non-approval by the mayors of the cities which they affect within the fifteen days specified by the Constitution.

FRANK S. BLACK

Senate Bill No. 869, entitled "An act to provide for the purchase and distribution of the statutes of the state."

Senate Bill No. 1624, entitled "An act making an appropriation for the Eastern New York Reformatory for the erection of buildings, purchase of materials and expenses of the commissioners."

Senate Bill No. 1651, entitled "An act authorizing the charter of a vessel for the naval militia, and appropriating two thousand dollars therefor."

Senate Bill No. 1652, entitled "An act to provide for the construction of certain buildings upon Swinburne

Island for the use of the quarantine establishment of the port of New York, and making an appropriation therefor."

Assembly Bill No. 164, entitled "An act providing for the erection of a state armory in the village of Medina, Orleans county, the acquisition of a site therefor, and making an appropriation for building said armory."

Assembly Bill No. 997, entitled "An act making an appropriation to compensate the commissioners appointed by the governor by an order dated the eighteenth day of February, eighteen hundred and ninety-six, to inquire into the charges preferred against Edward J. H. Tamsen, as sheriff of the city and county of New York, and to compensate the stenographer to said commission for his services therein."

Assembly Bill No. 2459, entitled "An act to appropriate money for the construction of additional buildings for the New York State Woman's Relief Corps Home."

Assembly Bill No. 2573, entitled "An act making an appropriation for repairing and enlarging the state armory heretofore erected for the use of the forty-seventh regiment, national guard of the state of New York."

Assembly Bill No. 2577, entitled "An act to provide for the establishment of a fish hatchery in the town of Schroon, county of Essex, for the propagation of food or commercial fishes."

Assembly Bill No. 2685, entitled "An act to provide for the completion of the bridge over the inlet to Otisco lake,

in the county of Onondaga, and making an appropriation therefor."

Assembly Bill No. 2767, entitled "An act to provide for the repayment of the balance of the money paid by the chamberlain of the city of Albany to the superintendent of public works, for the construction of the new lift or hoist-bridge across the Erie canal, at Water street, in the city of Albany."

Assembly Bill No. 2781, entitled "An act to provide for the completion of the twenty-third regiment armory in the city of Brooklyn."

Senate Bill No. 413, entitled "An act to amend chapter nine hundred and ninety-eight of the laws of eighteen hundred and ninety-six, entitled 'An act to provide for the abatement and prevention of nuisances in and about Newtown creek, in the city of Brooklyn, and in the city of Long Island City, and to provide for the construction and maintenance of sewers for such purposes.'"

Senate Bill No. 478, entitled "An act to authorize the construction, maintenance and operation of a free public draw-bridge over Newtown creek, between the cities of Brooklyn and Long Island City."

Senate Bill No. 926, entitled "An act to amend chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled 'An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn,' in relation to fees of certain officers."

Senate Bill No. 1131, entitled "An act preventing the opening or laying out of Woodbine street, from, at or near the boundary line of the county of Kings and Queens to Myrtle avenue in the county of Queens, a distance of about four hundred feet, and changing the maps accordingly."

Senate Bill No. 1273, entitled "An act in relation to the construction, maintenance and operation of railways upon Hooper street, between Kent avenue and Broadway, in the city of Brooklyn."

Senate Bill No. 1435, entitled "An act relating to the improvement of Belmont avenue and Crystal street in the city of Brooklyn and to provide the means therefor."

Senate Bill No. 1441, entitled "An act in relation to Hall street and Saint James' place, in the city of Brooklyn, and regulating the construction and operation of railroads upon said streets."

Senate Bill No. 1532, entitled "An act to provide for the purchase or acquisition by eminent domain by the city of Brooklyn of the stock, assets, franchises and property of incorporated water companies having property in the thirtieth ward of said city."

Senate Bill No. 1545, entitled "An act in relation to the construction, maintenance and operation of railways on Bedford avenue in the city of Brooklyn."

Assembly Bill No. 400, entitled "An act to authorize and empower the auditor of the city of Brooklyn to audit

and the comptroller of said city to pay the claim of Warren H. Doolittle for his services as assistant clerk of a justice's court in the city of Brooklyn."

Assembly Bill No. 450, entitled "An act in relation to Norman avenue, Monitor street, Montrose avenue and Heyward street, in the city of Brooklyn."

Assembly Bill No. 496, entitled "An act to reduce the width of Avenue M, in the thirty-second ward of the city of Brooklyn."

Assembly Bill No. 718, entitled "An act to confirm the appointment of certain firemen in the city of Brooklyn."

Assembly Bill No. 1033, entitled "An act closing a portion of the old road from Flatbush to Bedford known as the 'Old Clove road,' in the city of Brooklyn."

Assembly Bill No. 1197, entitled "An act to amend chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled 'An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn,' in relation to granting permits for booths and stands."

Assembly Bill No. 1238, entitled "An act to provide for the erection of gates and walls and other improvements of certain park lands in the city of Brooklyn, and to provide the means therefor."

Assembly Bill No. 1399, entitled "An act to authorize the building of a pier in the eighth ward of the city of Brooklyn, and to provide the means therefor."

Assembly Bill No. 1440, entitled "An act in relation to the construction, maintenance and operation of railways on Prospect place in the city of Brooklyn."

Assembly Bill No. 1442, entitled "An act in relation to the construction, maintenance and operation of railroads upon East Eighteenth street in the city of Brooklyn."

Assembly Bill No. 1444, entitled "An act in relation to the construction, maintenance and operation of railways on Bedford avenue in the city of Brooklyn."

Assembly Bill No. 1723, entitled "An act in relation to railroads in Twelfth street, Fourteenth street, Prospect avenue, Avenue B, Newkirk avenue, Lynden boulevard and Lennox road in the city of Brooklyn."

Assembly Bill No. 1762, entitled "An act to authorize the common council of the city of Brooklyn to alter the commissioners' map of said city by extending Surf avenue to the east and to improve said avenue."

Assembly Bill No. 1781, entitled "An act to authorize the improvement of Hancock street from Ralph avenue to Broadway, in the city of Brooklyn, New York, and to provide the means therefor."

Assembly Bill No. 1841, entitled "An act to amend chapter one thousand of the laws of eighteen hundred and ninety-six, entitled 'An act to abolish the office of constable in the city of Brooklyn, and creating city marshals, and defining their duties and compensation.'"

Assembly Bill No. 1846, entitled "An act to authorize the mayor of the city of Brooklyn, county of Kings, to

appoint a board of trustees for the control of a cemetery comprising six acres, more or less, located on Church lane near East Eighty-ninth street in the thirty-second ward, city of Brooklyn, county of Kings."

Assembly Bill No. 1865, entitled "An act to provide for improvements in streets and highways in cities containing over eight hundred thousand and less than fourteen hundred thousand inhabitants."

Assembly Bill No. 1898, entitled "An act in relation to Vermont avenue, from Jamaica avenue to Eastern parkway, in the city of Brooklyn."

Assembly Bill No. 1930, entitled "An act to amend chapter four hundred and thirty-eight of the laws of eighteen hundred and seventy-seven, entitled 'An act to create a police pension fund for disabled and retired policemen in the city of Brooklyn,' providing that the police pension fund shall be paid monthly instead of quarterly."

Assembly Bill No. 1937, entitled "An act in relation to the construction, maintenance or operation of railroads in Throop avenue, Lewis avenue, Glenada place and Albany avenue in the city of Brooklyn."

Assembly Bill No. 1976, entitled "An act in relation to the construction, maintenance and operation of railroads in Cumberland street, Carlton avenue, Clinton avenue, Washington avenue and Grand avenue in the city of Brooklyn."

Assembly Bill No. 2023, entitled "An act in relation to the construction, maintenance and operation of railways

on Cropsey avenue, between Fourteenth avenue and Twenty-fourth avenue in the city of Brooklyn."

Assembly Bill No. 2150, entitled "An act in relation to the construction, maintenance and operation of railways on Enfield street in the city of Brooklyn."

Assembly Bill No. 2209, entitled "An act to amend chapter one hundred and one of the laws of eighteen hundred and ninety-five, entitled 'An act in relation to improvements in and about the Wallabout market property in the city of Brooklyn, and making an appropriation therefor,' relative to the sum authorized to be expended by the commissioner of city works, and the issuing of bonds."

Assembly Bill No. 2275, entitled "An act relating to the improvement of Waterbury street in the city of Brooklyn, and to provide the means therefor."

Assembly Bill No. 2287, entitled "An act to close an old road in the thirty-first ward of the city of Brooklyn."

Assembly Bill No. 2327, entitled "An act in relation to construction, maintenance or operation of railroads in Saint Mark's place, Warren street, Bedford avenue, New York avenue, Saint Mark's avenue and Brooklyn avenue in the city of Brooklyn."

Assembly Bill No. 2372, entitled "An act concerning the settlement and collection of arrearages of unpaid taxes and assessments in the thirty-first ward of the city of Brooklyn, late the town of Gravesend, and of installments

of assessments directed by law to be hereafter levied, and imposing and levying a tax assessment and lien in lieu and instead of such arrearages and installments, and to enforce the payment thereof, and to provide for deficiencies by reason of such settlement."

Assembly Bill No. 2553, entitled "An act in relation to the construction, maintenance or operation of railroads in Second avenue, Fourth avenue, Sixth avenue, Seventh avenue, Eighteenth avenue, Sixtieth street and Seventy-ninth street in the city of Brooklyn."

Assembly Bill No. 2581, entitled "An act in relation to the construction, maintenance and operation of railways upon Hooper street and Penn street between Kent avenue and Broadway in the city of Brooklyn."

Assembly Bill No. 2683, entitled "An act to amend chapter eight hundred and fifty-seven of the laws of eighteen hundred and ninety-six, entitled 'An act in relation to the construction and management of the public driveway and parkway in the city of Brooklyn, authorized and acquired under and in pursuance of the provisions of chapter seven hundred and fifty-eight of the laws of eighteen hundred and ninety-four, entitled 'An act to provide for the selection, laying out, construction and maintenance of a public driveway and parkway, and for the acquisition of riparian rights in connection therewith in any county of this state which contains a city, the population of which city is in excess of eight hundred thousand, and the boundaries of which city are not coterminous

with those of said county, and also providing for the means of payment therefor and maintenance thereof, and creating a department of parks for said county,' as amended by chapter nine hundred and thirty-one of the laws of eighteen hundred and ninety-five.' "

Assembly Bill No. 2742, entitled " An act to amend chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety-four, entitled ' An act in relation to the Wallabout market lands in the city of Brooklyn,' as the same was amended by chapter eight hundred and fifty-nine of the laws of eighteen hundred and ninety-six, entitled ' An act to amend chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety-four,' entitled ' An act in relation to the Wallabout market lands in the city of Brooklyn.' "

Assembly Bill No. 2773, entitled " An act to provide for the purchase of a site for an armory in the city of Brooklyn and making an appropriation therefor, and to provide for the taking of real estate for such site by commission, in case the same cannot be purchased by agreement."

Senate Bill No. 1306, entitled " An act authorizing the common council of the city of Auburn to purchase land to be used for the purposes of a public park; issue the bonds of the city in payment therefor and of the expenses connected therewith; raise the amount necessary to pay and retire said bonds and maintain and keep said park in proper condition and repair by tax after submitting the

question to the taxpayers of said city, and procuring an affirmative vote thereon."

Senate Bill No. 676, entitled "An act in relation to the consent of property owners to the construction of a street railway on Louisiana street in the city of Buffalo."

Senate Bill No. 1480, entitled "An act to amend chapter five hundred and seventy-four of the laws of eighteen hundred and ninety-five, entitled 'An act to authorize the city of Buffalo to accept, purchase or acquire lands to furnish a more direct outlet for the waters of Cazenovia creek and Buffalo river, and improve channels through the same for the purpose of preventing and abating floods in the fifth ward of said city.'"

Senate Bill No. 1623, entitled "An act to authorize the city of Buffalo to use land acquired pursuant to chapter five hundred and forty-seven of the laws of eighteen hundred and sixty-four, entitled 'An act to authorize the common council of the city of Buffalo to lay out a public ground for the purpose of maintaining and protecting a sea wall or break-water along the shore or margin of Lake Erie' for a public street or highway."

Assembly Bill No. 2298, entitled "An act to provide for the payment of a certain local assessment against state property in the city of Buffalo, and making an appropriation therefor."

Assembly Bill No. 2650, entitled "An act to amend the charter of the city of Buffalo, in relation to inferior courts of criminal jurisdiction."

Assembly Bill No. 2196, entitled "An act to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo' and the several acts amendatory thereof and supplementary thereto, in relation to taxes."

Assembly Bill No. 2707, entitled "An act to amend chapter seven hundred and eighty-eight of the laws of the year eighteen hundred and ninety-six, entitled 'An act to authorize the city of Buffalo to issue its bonds for the purpose of raising money to construct, maintain, extend, repair and regulate water-works.'"

Assembly Bill No. 1704, entitled "An act to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo,' and the acts amendatory thereof, in relation to the municipal court."

Assembly Bill No. 2644, entitled "An act to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo,' as amended by chapter eight hundred and five of the laws of eighteen hundred and ninety-five."

Assembly Bill No. 2326, entitled "An act to amend chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes.'"

Assembly Bill No. 1817, entitled “An act to amend section one of chapter three hundred and eighty of the laws of eighteen hundred and ninety-two, entitled ‘An act to provide for increasing the water supply of the city of Dunkirk.’”

Senate Bill No. 1296, entitled “An act to amend chapter six hundred and fifteen of the laws of eighteen hundred and ninety-four, entitled ‘An act to revise the charter of the city of Elmira.’”

Assembly Bill No. 2540, entitled “An act to amend chapter eighty-four of the laws of eighteen hundred and eighty-six, entitled ‘An act to incorporate the city of Jamestown,’ as amended by chapter one hundred and thirty-four of the laws of eighteen hundred and ninety, and further amended by chapter nine hundred and eighty-one of the laws of eighteen hundred and ninety-six, in relation to the acquisition of property for water purposes.”

Assembly Bill No. 2582, entitled “An act to amend chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety-five, entitled ‘An act to incorporate the city of Johnstown.’”

Assembly Bill No. 2131, entitled “An act to amend chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled ‘An act to revise and consolidate the several acts in relation to the city of Kingston, to revise the charter of said city, and to establish a city court therein and define its jurisdiction and powers.’”

Senate Bill No. 1031, entitled "An act to amend chapter five hundred and sixty-five of the laws of eighteen hundred and ninety-five, entitled 'An act to incorporate the city of Little Falls,' and acts amendatory thereof."

Senate Bill No. 1396, entitled "An act to authorize the city of Little Falls to procure a site and erect thereon certain public buildings, and creating a commission for such purpose."

Senate Bill No. 1680, entitled "An act to authorize the city of Lockport to appropriate moneys from its poor fund for the maintenance of a provident wood yard."

Assembly Bill No. 2230, entitled "An act to authorize the establishment and operation of a system of lighting the city of Lockport with electric light, and to empower the common council of said city to raise the necessary funds for that purpose."

board of supervisors of Queens county to incorporate into the county road system of said county part of Thompson avenue in Long Island City and to issue bonds for the improvement thereof, to be assessed against Long Island City."

Senate Bill No. 410, entitled "An act to provide additional school accommodations in Long Island City."

Senate Bill No. 411, entitled "An act to amend chapter one hundred of the laws of eighteen hundred and seventy-nine, entitled 'An act relating to and to reduce the expenses of the city government of Long Island City.'"

Senate Bill No. 412, entitled "An act for the improvement of the fire department of Long Island City."

Senate Bill No. 645, entitled "An act to amend chapter six hundred and forty-four of the laws of eighteen hundred and ninety-three, entitled 'An act to create a general improvement commission and provide for certain improvements in the highways, streets, avenues, boulevards and public places in Long Island City.'"

Senate Bill No. 776, entitled "An act to amend chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one, entitled 'An act to revise the charter of Long Island City.'"

Assembly Bill No. 1062, entitled "An act to complete the improvements on portions of Grand avenue and Main street in Long Island City, and to provide for the payment thereof."

Assembly Bill No. 1665, entitled "An act authorizing the general improvement commission of Long Island City to audit the claim of Amelia L. A. Bach."

Assembly Bill No. 2231, entitled "An act to amend chapter five hundred and thirty-five of the laws of eighteen hundred and eighty-eight, entitled 'An act to incorporate the city of Middletown,' relating to the extension of the boundaries thereof."

Assembly Bill No. 1274, entitled "An act to establish 'a sinking fund commission' in the city of Mount Vernon, and providing for the investment of the money in the sinking fund of said city."

Assembly Bill No. 1676, entitled "An act to amend chapter seven hundred and ten of the laws of eighteen hundred and ninety-five, entitled 'An act to establish the office of comptroller in the city of Mount Vernon, providing for the appointment of such officer and defining his rights and duties.'"

Assembly Bill No. 1679, entitled "An act to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled 'An act to incorporate the city of Mount Vernon,' as amended by chapter one hundred and eighty of the laws of eighteen hundred and ninety-five, relating to the police department."

Assembly Bill No. 1957, entitled "An act to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled 'An act to incorporate the city of Mount Vernon,' and the acts amendatory thereof, relative to general provisions."

Assembly Bill No. 2548, entitled "An act to amend chapter five hundred and forty-one of the laws of eighteen hundred and sixty-five, entitled 'An act to incorporate the city of Newburgh,' and the several acts amendatory thereof."

Senate Bill No. 1040, entitled "An act to amend chapter five hundred and forty-one of the laws of eighteen hundred and sixty-five, entitled 'An act to incorporate the city of Newburgh,' and the several acts amendatory thereof."

Senate Bill No. 1041, entitled "An act to amend section six of chapter forty-nine of the laws of eighteen hundred and ninety-three, entitled 'An act to provide for the construction of a sewer in the city of Newburgh,' as amended by chapter four hundred and forty-one of the laws of eighteen hundred and ninety-four."

Assembly Bill No. 2646, entitled "An act to amend chapter one hundred and forty-three of the laws of eighteen hundred and ninety-two, entitled 'An act to incorporate the city of Niagara Falls,' and the act amendatory thereof, and to repeal certain sections thereof."

Senate Bill No. 1566, entitled "An act to amend chapter four hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled 'An act to amend the charter of the city of Poughkeepsie.'"

Assembly Bill No. 2434, entitled "An act to amend chapter four hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled 'An act to amend the charter of the city of Poughkeepsie,' and to repeal certain sections thereof."

Assembly Bill No. 2620, entitled "An act to amend chapter four hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled 'An act to amend the charter of the city of Poughkeepsie.'"

Assembly Bill No. 2253, entitled "An act to create a fund to be known as the public school teachers' retirement fund of Rochester."

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Assembly Bill No. 2565, entitled "An act to authorize and empower the common council of the city of Rochester to purchase a suitable site for the erection of an arsenal for the national guard and naval militia."

Assembly Bill No. 2211, entitled "An act to amend chapter one hundred and ninety-eight of the laws of eighteen hundred and ninety-three, entitled 'An act to provide a system of sewerage for the city of Rome,' relative to repaying and refunding sums to certain parties."

Senate Bill No. 1592, entitled "An act to amend chapter one hundred and forty-seven of the laws of eighteen hundred and ninety, entitled 'An act to authorize the common council of the city of Schenectady to lay out a public street over and upon certain lands in said city lying between the Erie canal and the blue line of said canal on the southerly side thereof, and to cause the same to be graded, paved, flagged and improved.'"

Assembly Bill No. 2639, entitled "An act to amend chapter four hundred and eighty-five of the laws of eighteen hundred and eighty-three, entitled, 'An act in relation to the construction of sewers in the city of Schenectady, and to authorize the common council of said city to borrow money for that purpose,' as amended by chapter eight hundred and sixty-seven of the laws of eighteen hundred and ninety-six, relative to the issue of bonds."

Assembly Bill No. 2679, entitled "An act to amend chapter one hundred and forty-seven of the laws of eighteen hundred and ninety, entitled 'An act to authorize

the common council of the city of Schenectady to lay out a public street over and upon certain lands in said city lying between the Erie canal and the blue line of said canal, on the southerly side thereof, and to cause the same to be graded, paved, flagged and improved.' ”

Senate Bill No. 161, entitled “ An act to provide for the municipal ownership, construction and maintenance of subways in the city of Syracuse, New York, and for placing wires underground.”

Senate Bill No. 865, entitled “ An act to further amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled ‘ An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city.’ ”

Senate Bill No. 1353, entitled “ An act to further amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled ‘ An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city.’ ”

Assembly Bill No. 1234, entitled “ An act to amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled ‘ An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city,’ and the act amendatory thereof, and to amend chapter seven hundred and four of the laws of eighteen hundred and ninety-six, relating to the fire department.”

Assembly Bill No. 1310, entitled "An act to amend chapter five hundred and nine of the laws of eighteen hundred and ninety-two, entitled 'An act to provide for the police pension fund for the Syracuse police force,' relative to bail bonds, fines and warrant issued by police justice."

Assembly bill No. 1938, entitled "An act to amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled 'An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city,' and the act amendatory thereof, relative to officers of the city."

Assembly Bill No. 2152, entitled "An act to authorize the city of Syracuse to levy a tax to provide the means to defray the cost of constructing a steel girder bridge and abutments over Onondaga creek, in West Water street, in the city of Syracuse, and the approaches to said bridge on the west."

Assembly Bill No. 2208, entitled "An act to amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled 'An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city,' as amended by chapter three hundred and seventy-six of the laws of eighteen hundred and ninety-one, relative to the expense and support of the fire department."

Assembly Bill No. 2257, entitled "An act to amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled 'An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city,' and the act amendatory thereof and supplementary thereto."

Assembly Bill No. 2591, entitled "An act to further amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled 'An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city.'"

Senate Bill No. 538, entitled "An act providing for retiring and pensioning policemen in the city of Utica."

Assembly Bill No. 606, entitled "An act to exempt the real estate of the Masonic association of Utica, New York, of the city of Utica, Oneida county, from taxation and assessments."

Assembly Bill No. 2474, entitled "An act to amend chapter four hundred and sixteen of the laws of eighteen hundred and ninety-three, entitled 'An act in relation to the city court of Yonkers.'"

Senate Bill No. 694, entitled "An act for the government of cities of the second class."

Senate Bill No. 1333, entitled "An act relating to the adult blind in cities."

Senate Bill No. 1627, entitled "An act to regulate the use of lands forming part of the right of way of any

railroad company, the road of which has been removed from the surface in, or adjacent to, streets and highways in all cities of the first class in this state."

Assembly Bill No. 2616, entitled "An act requiring any person, persons, or associations of persons doing business as private bankers in any city of the first class in this state, to file bonds for the security of certain depositors."

Senate Bill No. 479, entitled "An act to amend section ten hundred and forty-two of the code of civil procedure, relative to the drawing of jurors in certain counties."

Senate Bill No. 771, entitled "An act to amend section six hundred and ten of the code of civil procedure, relating to injunction orders."

Senate bill No. 852, entitled "An act to amend section four hundred and ninety-seven of the code of civil procedure, relative to amendments in certain cases after decision of demurrer."

Senate Bill No. 935, entitled "An act to amend the code of civil procedure, relative to actions to recover real property."

Senate Bill No. 1195, entitled "An act to amend section two hundred and forty-eight of the code of civil procedure, relating to the papers and opinions to be furnished to the reporter."

Senate bill No. 1377, entitled "An act to amend section nine hundred and eighty of the code of civil procedure, relative to the postponement of trials."

Senate Bill No. 1483, entitled "An act to amend the code of civil procedure, in relation to the service of jury notices."

Senate Bill No. 1512, entitled "An act to amend section nineteen hundred and two of the code of civil procedure, relative to an action for causing death by negligence, et cetera."

Senate Bill No. 1573, entitled "An act to amend the code of civil procedure, relative to judgment creditors' actions."

Senate Bill No. 1625, entitled "An act to amend section twenty-six hundred and sixty-nine of the code of civil procedure, relative to the appointment of public administrator in the county of Kings."

Assembly Bill No. 863, entitled "An act to amend subdivision five of section twenty-eight hundred and sixty-nine of the code of civil procedure, relating to the jurisdiction of justices of the peace of certain towns."

Assembly Bill No. 1696, entitled "An act to amend section twenty-eight hundred and eighty-six of the code of civil procedure, relative to attorneys in justices' courts."

Assembly Bill No. 1878, entitled "An act to amend the code of civil procedure, relative to actions to recover real property."

Assembly Bill No. 2310, entitled "An act to amend sections thirty-two hundred and sixty-eight and thirty-two hundred and seventy-two of the code of civil procedure, relating to city court of Albany."

Assembly Bill No. 2455, entitled "An act to amend title twelve, article first of the code of civil procedure by adding thereto a new section to be known as section twenty-four hundred and thirty-seven-a, relating to supplementary proceedings."

Assembly Bill No. 2776, entitled "An act to amend section thirty-three hundred and fourteen of the code of civil procedure, relative to fees of jurors."

Senate Bill No. 1143, entitled "An act to amend section two hundred and five of the code of criminal procedure, relating to depositions."

Senate Bill No. 1192, entitled "An act to amend the code of criminal procedure, in relation to practice on appeals."

Assembly Bill No. 2527, entitled "An act to amend the code of criminal procedure, relative to appeals in criminal cases, and proceedings against fugitives from justice."

Assembly Bill No. 2704, entitled "An act to amend section four hundred and eighty-four of the code of criminal procedure, relative to power to remit fines and imprisonment in case of failure to pay fine."

Senate Bill No. 1186, entitled "An act to amend section six hundred and sixty-three of the penal code, relative to cruelty to animals."

Assembly Bill No. 1443, entitled "An act to amend the penal code, prohibiting the sale of horse flesh as an article of food."

Assembly Bill No. 1850, entitled "An act to amend the penal code, relating to frauds on owners and managers of steamboats."

Assembly Bill No. 2232, entitled "An act to amend the penal code, relative to servile labor."

Senate Bill No. 204, entitled "An act to incorporate the Ward's Island Bridge company for the purpose of constructing and maintaining a permanent bridge for passenger and other traffic over the waters between the twenty-third ward of New York city and Long Island City, in the state of New York, together with all necessary connections, appurtenances and approaches thereto and stations."

Senate Bill No. 1007, entitled "An act to amend chapter ten hundred and thirty-eight of the laws of eighteen hundred and ninety-five, entitled 'An act to revise and amend the articles of incorporation of the Union Veteran Protective Association,' in relation to the holding of annual meetings."

Senate Bill No. 1039, entitled "An act in relation to the Newburgh and Cohecton turnpike road."

Senate Bill No. 1266, entitled "An act to change the corporate name of 'The Lutheran League of Rochester,' to 'The Lutheran Mission Union of Rochester, New York.'"

Senate Bill No. 1456, entitled "An act to change the corporate name of the 'Central Throat Hospital and Polyclinic Dispensary,' of Brooklyn."

Senate Bill No. 1464, entitled "An act to exempt the University Settlement Society of New York and the Educational Alliance from taxation, assessment and water rates."

Senate Bill No. 1465, entitled "An act to change the name of the C. J. Purcell company of the city of New York."

Senate Bill No. 1618, entitled "An act concerning certain corporations."

Assembly Bill No. 1264, entitled "An act to confer upon the Round Lake Association the right to condemn property for the purpose of supplying its grounds, residents and visitors with pure and wholesome water."

Assembly Bill No. 1469, entitled "An act releasing certain real estate of the 'Union Methodist Episcopal church' in the city of New York from the taxes for the year eighteen hundred and ninety-four."

Assembly Bill No. 2149, entitled "An act to change the corporate name of 'The Lutheran League of Rochester.'"

Assembly Bill No. 2195, entitled "An act to incorporate The Accounting Guarantee Company."

Assembly Bill No. 2258, entitled "An act to authorize the Hillside Cemetery association of Middletown to raise money for the improvement of its cemetery."

Assembly Bill No. 2384, entitled "An act in relation to corporations organized for the purpose of transmitting letters and packages through tubes by pneumatic or other power, and providing for an annual franchise tax thereon."

Assembly Bill No. 2508, entitled "An act in relation to the Long Island Historical society."

Assembly Bill No. 2614, entitled "An act to incorporate the New York Realty Bond and Exchange company."

Assembly Bill No. 2672, entitled "An act for the relief of certain manufacturing corporations incorporated under the provisions of chapter forty of the laws of eighteen hundred and forty-eight, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes.'"

Assembly Bill No. 2752, entitled "An act to amend chapter four hundred and sixty-four of the laws of eighteen hundred and eighty-six, entitled 'An act to improve the road leading from Buffalo to the village of Williams-ville, from the city line to Ellicott creek, and commonly known as the Main street road.'"

Assembly Bill No. 413, entitled "An act to legalize, ratify and confirm certain acts and proceedings of the board of supervisors of Broome county."

Assembly Bill No. 779, entitled "An act to incorporate the county police of Chautauqua county."

Senate Bill No. 884, entitled "An act to refund to the county of Erie the unexpended balance of money raised by it for the acquiring of a site for the state armory in the village of Tonawanda, county of Erie, as provided for by chapter three hundred and sixty-one of the laws of eighteen hundred and ninety-four."

Assembly Bill No. 1973, entitled "An act to amend chapter twelve of the laws of eighteen hundred and ninety-six, entitled 'An act in relation to the county court of Kings county, and the appointment of clerks and assistants therein, and the disposition of the records of the former court of sessions in Kings county,' relative to the removal of deputy clerk; compensation fixed by judges."

Senate Bill No. 1168, entitled "An act empowering the justices of the supreme court resident in Kings county to amend a certain order transferring employees of the city court of Brooklyn to the supreme court."

Assembly Bill No. 2731, entitled "An act to amend chapter one hundred and fifty-one of the laws of eighteen hundred and forty-four, entitled 'An act to authorize the construction of a timber, plank or hard road from Salina, in the county of Onondaga, to Central Square, in the county of Oswego,' chapter three hundred and forty-two of the laws of eighteen hundred and sixty-seven, entitled 'An act to amend an act entitled "An act to authorize the construction of a timber, plank or hard road from Salina, in the county of Onondaga, to Central Square, in the county of Oswego," passed April twelve, eighteen hundred and forty-four,' relating to rates of toll and statement of receipts and disbursements."

Assembly Bill No. 2544, entitled "An act to repeal chapter three hundred and twenty-two of the laws of eighteen hundred and eighty-two and the acts amendatory thereof, and to provide for the assignment of lands

bid in by the county of Oswego for the non-payment of taxes to the several towns in such counties and the city of Oswego."

Senate Bill No. 1510, entitled "An act to amend chapter three hundred and six of the laws of eighteen hundred and ninety-five, entitled 'An act concerning the settlement, adjustment and collection of arrears of unpaid taxes and assessments in the county of Queens, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearage, and to enforce payment thereof.'"

Assembly Bill No. 2445, entitled "An act to amend chapter two hundred and sixty-eight of the laws of eighteen hundred and seventy-seven, entitled 'An act in relation to the collection of taxes and the sales of land therefor in certain towns of Queens county,' relative to publication by county treasurer of the list of unpaid taxes and assessments and notice of sale and compensation to newspapers."

Assembly Bill No. 2363, entitled "An act to create the office of commissioner of jurors for the county of Richmond."

Senate Bill No. 1653, entitled "An act imposing a tax upon the property, real and personal, of the county of Schuyler, and requiring the board of supervisors of the county of Schuyler to levy and collect said tax, and pay the same to the state treasurer for and on account of the general funds of the state, to be applicable to the payment of the ordinary and current expenses of the state."

Assembly Bill No. 2252, entitled "An act to make the expenses of prisoners charged with, or convicted of, crimes less than a felony, and committed to the jail of Washington county, town charges."

Senate Bill No. 1671, entitled "An act conferring jurisdiction upon the board of claims to hear and determine the claim of James Hall against the state, and to make an award therefor."

Assembly Bill No. 348, entitled "An act conferring jurisdiction upon the board of claims to rehear, audit and determine the amount of the claim of Jane E. Lynch, as administratrix of the goods, chattels and credits of Morris Lynch, deceased, against the state, and to make an award therefor."

Assembly Bill No. 438, entitled "An act to amend chapter ten hundred and seventeen of the laws of eighteen hundred and ninety-five, entitled 'An act to authorize the board of claims to hear, audit and determine certain claims of the city of Rochester against the state.'"

Assembly Bill No. 1044, entitled "An act conferring jurisdiction upon the board of claims to hear, audit and determine the claim of Thomas Gilgan against the state of New York."

Assembly Bill No. 1065, entitled "An act to confer jurisdiction on the board of claims to hear, audit and determine the claim of Abiel B. Parks against the state for loss of title to certain lands in Sullivan county."

Assembly Bill No. 1343, entitled "An act to confer authority upon the court of claims to hear, try and determine the claim of the Onondaga Pottery Company against the state."

Assembly Bill No. 1703, entitled "An act to ratify and legalize the claim of J. Smith McMaster, and to confer jurisdiction upon the board of claims to hear, audit and determine the same."

Assembly Bill No. 2106, entitled "An act conferring jurisdiction upon the court of claims to hear and determine the claim of the American Glucose company against the state, and to make an award therefor."

Assembly Bill No. 2500, entitled "An act conferring jurisdiction upon the board of claims to hear, audit and determine the amount of the claim of Andrew W. Morhous against the state, and to make an award therefor."

Assembly Bill No. 2676, entitled "An act conferring jurisdiction upon the court of claims to hear and determine the claim of Irving F. Cragin against the state, and to make an award therefor."

Senate Bill No. 389, entitled "An act to amend the game law, and the acts amendatory thereof, relating to the taking of fish by drawing off waters from ponds or reservoirs."

Senate Bill No. 729, entitled "An act to amend the fisheries, game and forest law, in relation to fish in Lake Ontario and other waters."

Senate Bill No. 977, entitled "An act amending the game law, and the act amendatory thereof, in relation to certain fish that may be caught through the ice in lakes and waters named."

Senate Bill No. 979, entitled "An act to amend the fisheries, game and forest law, in relation to grouse and other birds."

Senate Bill No. 1017, entitled "An act providing for the publication and distribution of the fisheries, game and forest laws."

Senate Bill No. 1090, entitled "An act to amend the fisheries, game and forest law, in regard to use of nets in Jamaica Bay and adjacent waters."

Senate Bill No. 1096, entitled "An act to amend the game law, in relation to black and gray squirrels; hares and rabbits."

Senate Bill No. 1448, entitled "An act to amend the game law."

Senate Bill No. 1460, entitled "An act to amend the game law, relating to fishing in Fall creek, in the city of Ithaca, New York."

Senate Bill No. 1495, entitled "An act to amend the fisheries, game and forest law, in relation to taking sturgeon with set lines in part of the waters of the Thousand Islands."

Senate Bill No. 1634, entitled "An act to amend the fisheries, game and forest law, in relation to disseminating knowledge concerning birds and wild animals."

Assembly Bill No. 886, entitled "An act to amend the game law, and the act amendatory thereof, relating to the right of protectors to make search or examination."

Assembly Bill No. 2155, entitled "An act to amend the game law, relating to hounds and other dogs running at large in localities where deer inhabit."

Assembly Bill No. 2324, entitled "An act to amend chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, entitled 'An act to amend the game law and to repeal chapter three hundred and thirty-two of the laws of eighteen hundred and ninety-three, entitled 'An act in relation to the forest preserve and Adirondack park, constituting articles six and seven of chapter forty-three of the general laws,' " as amended by chapter six hundred and fifty-five of the laws of eighteen hundred and ninety-six, relating to compensation of fire wardens and assistants in Sullivan county."

Assembly Bill No. 2447, entitled "An act to amend the fisheries, game and forest law, and the act amendatory thereof, to provide for the protection of elk."

Assembly Bill No. 2515, entitled "An act to amend the fisheries, game and forest law, and the act amendatory thereof, in relation to the disposal of the amount recovered in actions by the people."

Assembly Bill No. 2622, entitled "An act to amend the fisheries, game and forest law, relating to digging sand and other worms on the shores of Queens and Suffolk counties."

Assembly Bill No. 2654, entitled "An act to amend the fisheries, game and forest law, and the act amendatory thereof, relating to the possession of venison."

Assembly Bill No. 2656, entitled "An act to amend the game law, and the act amendatory thereof, relating to the close season for black bass in Crystal lake, town of Rensselaerville, Albany county."

Assembly Bill No. 2701, entitled "An act to amend the fisheries, game and forest law, and the act amendatory thereof, in relation to the use of nets."

Assembly Bill No. 2710, entitled "An act to amend the game law, and the act amendatory thereof, relating to close season for salmon trout and land-locked salmon."

Assembly Bill No. 2729, entitled "An act to amend the fisheries, game and forest law, and the act amendatory thereof, relating to the sale of dead wild bird skins."

Assembly Bill No. 2777, entitled "An act in relation to fishing for sturgeon in the waters of Lake Ontario."

Assembly Bill No. 2012, entitled "An act to amend chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled 'An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws.' "

Senate Bill No. 1369, entitled "An act to amend the banking law."

Senate Bill No. 1504, entitled "An act to amend an act entitled 'the banking law,' constituting chapter thirty-

seven of the general laws, in relation to directors of banks and elections thereof."

Senate Bill No. 1606, entitled "An act to amend chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, entitled 'An act in relation to banking corporations,' as amended by chapter seven hundred and five of the laws of eighteen hundred and ninety-four."

Assembly Bill No. 2323, entitled "An act to amend an act entitled 'An act in relation to benevolent orders, constituting chapter forty-one of the general laws.'"

Senate Bill No. 815, entitled "An act to amend the consolidated school law, in relation to the alteration of school districts."

Assembly Bill No. 2444, entitled "An act to amend the consolidated school law, and the act amendatory thereof, relating to the condemnation of school houses, alteration of school districts, rights, powers and duties of commissioners, payment of unpaid school taxes and closing of schools during institute week."

Senate Bill No. 980, entitled "An act to amend subdivision thirty-eight of section two hundred and twenty-two of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled 'An act in relation to counties, constituting chapter eighteen of the general laws.'"

Assembly Bill No. 1471, entitled "An act to amend section two hundred and three of article ten of chapter

six hundred and eighty-six of the laws of eighteen hundred and ninety-two, known as the county law."

Assembly Bill No. 2706, entitled "An act to amend the county law as amended by chapters one hundred and fifty and seven hundred and eighteen of the laws of eighteen hundred and ninety-five, relating to sheriffs' office; time of keeping open."

Assembly Bill No. 2766, entitled "An act to amend chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled 'An act in relation to counties, constituting chapter eighteen of the general laws,' in relation to the appointment of assistant district attorneys."

Senate Bill No. 1621, entitled "An act to amend chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, entitled 'An act in relation to the elections, constituting chapter six of the general laws.'"

Senate Bill No. 1591, entitled "An act to amend the highway law, relating to the appointment and compensation of commissioners for laying out, altering and discontinuing highways."

Assembly Bill No. 993, entitled "An act to amend section four of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled 'An act in relation to highways, constituting chapter nineteen of the general laws,' as amended by chapter two hundred and twelve of the laws of eighteen hundred and ninety-one, in relation to the free flow of water in rivers and streams."

Assembly Bill No. 2098, entitled "An act to amend the highway law, in relation to inspection of bridges by the state engineer and surveyor."

Assembly Bill No. 2319, entitled "An act to amend the highway law, in relation to the annual report of overseers."

Assembly Bill No. 2714, entitled "An act to amend the highway law, relative to assessment of highway labor upon railroad corporations."

Assembly Bill No. 2719, entitled "An act to amend the Indian law, in relation to the Saint Regis tribe."

Senate Bill No. 1020, entitled "An act to amend the insurance law, relating to the exemption of the Supreme Grange Life Association from the payment of two per centum on the amount of insurance subscribed by the members thereof before commencing business."

Senate Bill No. 1528, entitled "An act to amend section fifty-seven of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, entitled 'An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws.'"

Senate Bill No. 1626, entitled "An act to amend section seventy of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, entitled 'An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws.'"

Senate Bill No. 1628, entitled "An act to amend the insurance law, relating to credit guarantee corporations."

Assembly Bill No. 1672, entitled "An act to amend the insurance law, relating to the authority of an agent of a foreign fire insurance corporation."

Senate Bill No. 545, entitled "An act to amend the legislative law in relation to the compensation of officers and employees of the legislature."

Assembly Bill No. 2786, entitled "An act to amend chapter one hundred and twelve of the laws of eighteen hundred and ninety-six, entitled 'An act in relation to traffic in liquors and for the taxation and regulation of the same, and to provide for local option, constituting chapter twenty-nine of the general laws,' relating to consents for the use of buildings for hotel purposes."

Senate Bill No. 1569, entitled "An act to amend chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five, entitled 'An act relating to membership corporations, constituting chapter forty-three of the general laws.'"

Assembly Bill No. 1600, entitled "An act to amend the poor law, relative to the support of Indian poor persons."

Assembly Bill No. 2746, entitled "An act to amend the poor law, relating to relief to soldiers and their families by any encampment of the Union Veteran Legion."

Senate Bill No. 1250, entitled "An act to amend section one hundred and forty-five of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, entitled 'An act in relation to the public health,

constituting chapter twenty-five of the general laws,' as amended by chapter one hundred and eleven of the laws of eighteen hundred and ninety-six."

Assembly Bill No. 1979, entitled "An act to amend chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three and the act amendatory thereof, requiring persons practicing dentistry to display professional signs."

Assembly Bill No. 2243, entitled "An act to amend section one hundred and forty-eight of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, being chapter twenty-five of the general laws."

Senate Bill No. 835, entitled "An act to amend chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled 'An act in relation to railroads, constituting chapter thirty-nine of the general laws,' and known as the railroad law, as amended by chapters three hundred and six and six hundred and seventy-six of the laws of eighteen hundred and ninety-two."

Senate Bill No. 1445, entitled "An act to amend sections one hundred and fifty, one hundred and fifty-six and one hundred and sixty-nine of chapter thirty-nine of the general laws, known as the railroad law; to reorganize the board of railroad commissioners and to increase the efficiency thereof." [Vetoed May 19.]

Assembly Bill No. 2712, entitled "An act to amend the railroad law, in relation to tunnel railroads."

Assembly Bill No. 1639, entitled "An act to repeal section two hundred and seventy-four of the real property law, relating to the penalty for using long forms of covenants."

Assembly Bill No. 1017, entitled "An act to amend the tax law, relating to taxation of real property divided by line of tax district."

Assembly Bill No. 1296, entitled "An act to amend chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled 'An act in relation to taxation, constituting chapter twenty-four of the general laws.'"

Assembly Bill No. 1522, entitled "An act to amend the tax law, in relation to graduate transfer taxes." [Vetoed May 21.]

Assembly Bill No. 1556, entitled "An act to amend chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled 'An act in relation to taxation, constituting chapter twenty-four of the general laws,' in relation to sales for non-payment of taxes in Saint Lawrence, Lewis and Oneida counties."

Senate Bill No. 1643, entitled "An act to amend chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled 'An act in relation to towns,' constituting chapter twenty of the general laws."

Senate Bill No. 1572, entitled "An act to amend section eighty of the transportation corporation law, relating to the formation of water companies."

Senate Bill No. 1240, entitled "An act to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two, known as 'the university law.' "

Assembly Bill No. 2274, entitled "An act to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two, entitled 'An act to revise and consolidate the laws relating to the university of the state of New York.' "

Senate Bill No. 1424, entitled "An act to amend chapter eight hundred and twenty-three of the laws of eighteen hundred and ninety-five, entitled 'An act to regulate barbering on Sunday.' "

Senate Bill No. 600, entitled "An act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and ninety-four, entitled 'An act to promote and encourage a faithful and efficient service in the prevention of contagious and infectious diseases, and to provide for a health department pension fund in the city of New York,' and in relation to pension fund."

Senate Bill No. 629, entitled "An act to enable the board of fire commissioners of the city of New York to rehear and determine the charges against James P. Reilly, a fireman of the first grade, for reinstatement in said department."

Senate Bill No. 824, entitled "An act authorizing the board of estimate and apportionment of the city of New York to allow and pay to Lizzie M. Fellows, widow of

the late John R. Fellows, district attorney for the city and county of New York, a sum equal to the remainder of his salary from the city of New York for the unexpired portion of his term of office."

Senate Bill No. 872, entitled "An act to authorize the board of estimate and apportionment of the city of New York to audit and allow the claim of Adam A. Cross against the mayor, aldermen and commonalty of the city of New York."

Senate Bill No. 1081, entitled "An act to provide for the building, operation and maintenance of a system of sewage disposal of the Bronx river, the Hutchinson river and the Westchester creek valleys, in the counties of New York and Westchester."

Senate Bill No. 1083, entitled "An act to amend chapter six hundred and ninety-six of the laws of eighteen hundred and eighty-seven, entitled 'An act to provide hospitals, orphan asylums and other charitable institutions in the city of New York with water, and remitting assessments therefor,' and the acts amendatory thereof."

Senate Bill No. 1282, entitled "An act to authorize the alteration of section six of the final maps and profiles of the twenty-third and twenty-fourth wards of the city of New York, by showing thereon the extension of East One Hundred and Sixty-fourth street from Trinity avenue to Stebbins avenue in the city of New York."

Senate Bill No. 1293, entitled "An act to provide for the payment of compensation to Rufus G. Beardslee, for services as counsel to the board of education of the city

of New York, and authorizing the board of estimate and apportionment of the city of New York, to audit and allow the amount that may be justly due."

Senate Bill No. 1317, entitled "An act to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled 'An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York,' and the acts amendatory thereof, relating to the fire department of the city of New York."

Senate Bill No. 1503, entitled "An act authorizing the board of estimate and apportionment of the city of New York to audit and allow, and also authorizing the comptroller to pay to J. Elliott Smith the amount incurred by him for legal services and disbursements."

Senate Bill No. 1575, entitled "An act to amend section five hundred and four of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled 'An act to consolidate into one act and to declare the special and local laws affecting the public interests in the city of New York,' as amended by section forty of chapter two hundred and seventy-five of the laws of eighteen hundred and ninety-two, in regard to superintendent of buildings."

Senate Bill No. 1587, entitled "An act to authorize and to provide for the location of a park in the city of New York, and to provide for the acquisition thereof."

Senate Bill No. 1590, entitled "An act to authorize the release to Julia C. Patterson of all the right, title and interest of the mayor, aldermen and commonalty of the city of New York in and to certain real estate in the town of Patterson, Putnam county, New York."

Senate Bill No. 1619, entitled "An act for the relief of the Beth Israel Hospital Association from taxes and water rents."

Senate Bill No. 1705, entitled "An act to provide for the construction of an elevator to and from the Brooklyn bridge."

Assembly Bill No. 256, entitled "An act to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled 'An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York,' as amended by chapter seven hundred and eighteen of the laws of eighteen hundred and ninety-six, in relation to the powers of the common council to make ordinance."

Assembly Bill No. 753, entitled "An act to create a division of notification in the department of finance in the city of New York."

Assembly Bill No. 836, entitled "An act to amend chapter nine hundred and eighty-six of the laws of eighteen hundred and ninety-five, entitled 'An act to provide for the construction of a drawbridge over the Harlem river, connecting the easterly end of One Hundred and

Forty-fifth street and the marginal or exterior street in the twelfth ward of the city of New York, with East One Hundred and Forty-ninth street and exterior street in the twenty-third ward of said city.' ”

Assembly Bill No. 1028, entitled “ An act relating to Ninth avenue in the city of New York.”

Assembly Bill No. 1094, entitled “ An act to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled ‘ An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York,’ as amended by chapter seven hundred and fifty-seven of the laws of eighteen hundred and ninety-four, relating to clerks, officers and attendants of courts.”

Assembly Bill No. 1235, entitled “ An act to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled ‘ An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York,’ relative to public baths.”

Assembly Bill No. 1415, entitled “ An act to place under an annual salary the jury servers of the office of the commissioner of jurors of the city and county of New York.”

Assembly Bill No. 1445, entitled “ An act authorizing the audit and allowance of the claim of Henry H. Shill against the mayor, aldermen and commonalty of the city of New York.”

Assembly Bill No. 1534, entitled "An act to amend chapter five hundred and forty-five of the laws of eighteen hundred and eighty-eight, entitled 'An act to provide for lectures for workingmen and workingwomen,' as amended by chapter seventy-one of the laws of eighteen hundred and ninety-one, in relation to the public schools in New York city."

Assembly Bill No. 1572, entitled "An act authorizing the board of fire commissioners of the city of New York to inquire into the facts relating to the claim to be placed on the pension-roll of the fire department of said city of any officer who has served as chief of battalion of the uniformed force of said department, whose term of office or service was terminated pursuant to the provisions of section one hundred and seventeen of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, and if upon proper investigation it shall appear to the said board that he should receive the benefit of the relief fund of said department."

Assembly Bill No. 1675, entitled "An act to provide for the erection of a building for certain purposes relating to the public interests in that portion of the city of New York annexed by chapter nine hundred and thirty-four of the laws of eighteen hundred and ninety-five."

Assembly Bill No. 1725, entitled "An act for the relief of Congregation Beth Israel Bikur Cholim of the city of New York."

Assembly Bill No. 1759, entitled "An act to ratify the laying out of East river park in the city of New York,

between Eighty-fourth and Eighty-ninth streets, Avenue B or East End avenue and the East river, and empowering the comptroller of the city of New York to refund the assessments levied and collected therefor."

Assembly Bill No. 1769, entitled "An act in relation to the real estate of the corporation known as Saint Joseph's seminary of the city of New York."

Assembly Bill No. 1889, entitled "An act to authorize the acceptance by the city of New York of the building constructed pursuant to chapter three hundred and seventy-one of the laws of eighteen hundred and eighty-seven, entitled 'An act to provide for the erection of a building for criminal courts and other purposes in the city of New York,' and to provide for the completion thereof."

Assembly Bill No. 1980, entitled "An act to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled 'An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York,' as amended by chapter six hundred and ten of the laws of eighteen hundred and ninety-six, in relation to buildings in said city."

Assembly Bill No. 1991, entitled "An act to relieve the rector, church wardens and vestrymen of Saint Luke's church in the city of New York from a portion of an assessment for opening and extending Saint Nicholas terrace."

Assembly Bill No. 1992, entitled "An act to relieve the rector, church wardens and vestrymen of Saint Luke's

church in the city of New York from a portion of an assessment for opening Convent avenue from One Hundred and Fiftieth street to Saint Nicholas avenue."

Assembly Bill No. 2112, entitled "An act relating to appointment of employees of the fire department of the cities of New York and Brooklyn to the uniformed force of the said departments."

Assembly Bill No. 2291, entitled "An act for the relief of William S. Wynn and James C. Wynn."

Assembly Bill No. 2421, entitled "An act to authorize the alteration of section ten of the final maps and profiles of the twenty-third and twenty-fourth wards of the city of New York."

Assembly Bill No. 2428, entitled "An act authorizing and empowering the comptroller of the city of New York to cancel and refund the assessment for opening Lexington avenue between Ninety-seventh and One Hundred and Second streets in the city of New York, confirmed the first day of June, eighteen hundred and ninety-four, on property owned by the Blinn Memorial Methodist Episcopal church, the Lexington Avenue Baptist church and the Saint Cecelia Roman Catholic church and certain other property owners."

Assembly Bill No. 2484, entitled "An act to legalize and confirm the action of James P. Davenport, judge of the thirteenth civil district court, New York city, in appointing two attendants, one stenographer and one interpreter, attached to said court."

Assembly Bill No. 2580, entitled "An act to provide compensation to the owners of animals and cattle destroyed pursuant to chapter six hundred and seventy-four of the laws of eighteen hundred and ninety-four and repealing certain acts relating thereto in the city of New York."

Assembly Bill No. 2599, entitled "An act in relation to the widening of Mott avenue in the city of New York from One Hundred and Sixty-first street south to One Hundred and Thirty-eighth street, providing for the raising of part of the expense by assessment and part out of the fund known as the 'fund for street and park openings,' in said city."

Assembly Bill No. 2720, entitled "An act to exempt the real property of the society under the care and supervision of the Paulist Fathers in the city of New York, known as the 'Spalding Literary Union,' so long as the society shall be under the care and supervision of said Paulist Fathers and so long as said property is exclusively occupied by and used for the purposes of said society."

Assembly Bill No. 2724, entitled "An act for the relief of the Beth Israel Hospital association from taxes and water rents."

Senate Bill No. 148, entitled "An act to amend chapter nine hundred and seventy-eight of the laws of eighteen hundred and ninety-six, entitled 'An act to authorize and empower the board of trustees of incorporated villages

of this state to contract with water-works companies, organized under the laws of this state, or with the owner or owners of water-works for supplying water for extinguishing fires in said villages.' ”

Senate Bill No. 318, entitled “ An act to amend chapter six hundred and two of the laws of eighteen hundred and ninety-two, entitled ‘ An act to secure the registration of plumbers and the supervision of plumbing and drainage in the cities of the state of New York,’ as amended by chapter sixty-six of the laws of eighteen hundred and ninety-three.”

Senate Bill No. 429, entitled “ An act to authorize the state comptroller to hear and determine the application of Lucie W. Gilmour, for cancellation of the sale of eighteen hundred and ninety, of house and east two-thirds of section number seven, Mathew Clarkson map number seventy-five, Clarkson street, Flatbush, Kings county, for unpaid taxes.”

Senate Bill No. 474, entitled “ An act to prevent the application of poison to fruit trees while in blossom.”

Senate Bill No. 817, entitled “ An act creating a commissioner of jurors for each county of the state having a population of more than one hundred and twenty-five thousand and less than one hundred and ninety thousand, and regulating and prescribing his duties.”

Senate Bill No. 971, entitled “ An act to regulate the use of bicycles, tricycles and similar vehicles and to require uniformity of ordinance affecting the same.”

Senate Bill No. 1015, entitled "An act relative to land devised by Michael Flood, deceased."

Senate Bill No. 1102, entitled "An act to authorize the secretary of state to dispose of certain papers on file in his office."

Senate Bill No. 1301, entitled "An act to prevent disturbance of religious camp meetings."

Senate Bill No. 1357, entitled "An act to amend chapter three hundred and forty-eight of the laws of eighteen hundred and eighty-five, entitled 'An act to authorize the appointment of stenographers for grand juries, and to fix the compensation of such stenographers,' as amended by chapter one hundred and thirty-one of the laws of eighteen hundred and eighty-six, and as amended by chapter eighty-two of the laws of eighteen hundred and ninety-four, and as amended by chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-five, and as amended by chapter twenty-five of the laws of eighteen hundred and ninety-seven."

Senate Bill No. 1461, entitled "An act to amend chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-six, entitled 'An act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling and vending of merchandise within this state.' "

Senate Bill No. 1469, entitled "An act to amend chapter one hundred and forty-five of the laws of eighteen hundred and ninety-seven, entitled 'An act to amend

chapter eight hundred and ninety-three of the laws of eighteen hundred and ninety-six, entitled "An act to provide for the appointment of clerks to certain justices of the supreme court of the fifth judicial district." " "

Senate Bill No. 1514, entitled "An act to amend chapter four hundred and forty-eight of the laws of eighteen hundred and ninety-six, entitled 'An act for the prevention of cruelty to animals, and empowering certain societies for the prevention of cruelty to animals to do certain things.' "

Senate Bill No. 1531, entitled "An act to legalize and confirm the official acts of John Larkin, a notary public in and for New York county."

Senate Bill No. 1620, entitled "An act to authorize union free school district number one of the town of Walton, Delaware county, to issue bonds for the purpose of refunding the present indebtedness of such district."

Senate Bill No. 1702, entitled "An act relating to the classification of court interpreters in the first and second judicial districts."

Senate Bill No. 1709, entitled "An act entitled 'An act to regulate the placing out of children, providing that they shall only be placed out in accordance with rules and regulations established by the state board of charities, authorizing the said board to make such rules and regulations, also providing that any violation of the provisions of this act shall be a misdemeanor.' "

Senate Bill No. 1728, entitled "An act authorizing the superintendent of public buildings to estimate the value of the group of marble statuary known as the Struggle for Liberty and to consider and determine the advisability of the purchase of the same by the state."

Assembly Bill No. 427, entitled "An act to amend chapter four hundred and eighty-two of the laws of eighteen hundred and sixty-two, entitled 'An act to provide for the collection of demands against ships and vessels,' as amended by chapter eighty-eight of the laws of eighteen hundred and eighty-six, in relation to amount of debt necessary to constitute lien and time of filing lien."

Assembly Bill No. 457, entitled "An act to amend chapter six hundred and ninety-nine of the laws of eighteen hundred and ninety-four, entitled 'An act to regulate the sale of convict-made goods, wares and merchandise manufactured by convicts in other states,' relating to orders taken by salesmen and license fees."

Assembly Bill No. 625, entitled "An act to permit experiments and the erection of bridge for developing the power of Niagara river, at the city of Buffalo, upon plans to be approved by the United States engineering department to protect navigation."

Assembly Bill No. 689, entitled "An act to amend chapter two hundred and twenty-three of the laws of eighteen hundred and ninety, relating to the raising of money by towns for the proper observance of memorial or decoration day."

Assembly Bill No. 866, entitled "An act to amend chapter two hundred and eighty of the laws of eighteen hundred and forty-five, entitled 'An act for the publication of the session laws in two newspapers in each county of this state,' as amended by chapter seven hundred and fifteen of the laws of eighteen hundred and ninety-two, in relation to designation of newspapers."

Assembly Bill No. 1193, entitled "An act to amend chapter nine hundred and thirty-one of the laws of eighteen hundred and ninety-six, entitled 'An act in relation to the labeling and marking of convict-made goods, wares and merchandise, and amending the penal code in relation thereto, and repealing certain laws,' relative to the branding or stencilling of mats and matting."

Assembly Bill No. 1089, entitled "An act to amend chapter four hundred and ninety-seven of the laws of eighteen hundred and eighty-six, entitled 'An act to authorize the villages of the state of New York owning water-works constructed pursuant to the provisions of chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-five, to extend their water mains beyond their corporate limits,' as amended by chapter three hundred and twenty-nine of the laws of eighteen hundred and ninety-six, relating to the furnishing of water to other municipalities."

Assembly Bill No. 1184, entitled "An act to provide for the employment of convicts at road building."

Assembly Bill No. 1313, entitled "An act to amend title two of chapter three of part four of the revised statutes, as amended by chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, relating to state prisons and for other purposes connected therewith."

Assembly Bill No. 1317, entitled "An act to confirm and legalize certain concurrent resolutions for printing, passed by the legislature of eighteen hundred and ninety-six, and certain resolutions passed by the senate and assembly, respectively, during said session, and for extra copies furnished for the use of the legislature of eighteen hundred and ninety-six."

Assembly Bill No. 1533, entitled "An act to amend chapter two hundred and fifty-five of the laws of eighteen hundred and ninety-two, entitled 'An act to authorize the several towns in this state to establish lamp or lighting districts outside the limits of any incorporated village or villages therein, and to provide for the lighting of the public buildings, streets, avenues, highways and public places in said districts,' and the act amendatory thereof, relating to payments for such lighting."

Assembly Bill No. 1670, entitled "An act to amend chapter six hundred and seventy-three of the laws of eighteen hundred and ninety-four, entitled 'An act entitled 'An act to authorize and empower the board of trustees of villages incorporated under the act entitled 'An act for the incorporation of villages,' passed April twenty,

eighteen hundred and seventy, and acts amendatory thereof and supplemental thereto, to contract with lighting companies organized under the laws of this state for lighting the streets and public grounds of said villages,' as amended by chapter six hundred and sixty-three of the laws of eighteen hundred and ninety-six, relative to period of contract with lighting company."

Assembly Bill No. 1820, entitled "An act to authorize the comptroller of this state to hear and determine the application of Jacob A. Mittnacht for the cancellation of the tax sales for unpaid taxes of lot number four in the Woodhill tract, in Herkimer county."

Assembly Bill No. 2054, entitled "An act to amend chapter five hundred and thirty-three of the laws of eighteen hundred and eighty, entitled 'An act to regulate the passage of lumber, logs and other timber upon the rivers of this state, recognized by law or common use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same to market or places of manufacture.'"

Assembly Bill No. 2180, entitled "An act to prevent fraud in the sale of paris green."

Assembly Bill No. 2218, entitled "An act conferring local rank upon certain officers of the New York Soldiers and Sailors' Home at Bath."

Assembly Bill No. 2264, entitled "An act to amend chapter six hundred and fifteen of the laws of eighteen hundred and ninety-five, entitled 'An act providing for

the payment of five hundred dollars to the executor or administrator of a volunteer fireman who dies from injuries incurred in the performance of his duties.' ”

Assembly Bill No. 2295, entitled “ An act to grant and release to George Kleindinst all the right, title and interest of the people of the state of New York in and to certain real estate in the city of Buffalo.”

Assembly Bill No. 2356, entitled “ An act to provide for the reimbursement of certain expenses and disbursements paid and incurred by the several justices of the supreme court in the second judicial district, other than those residing in Kings county.”

Assembly Bill No. 2452, entitled “ An act to amend title two of chapter three of part four of the revised statutes, relating to state prisons.”

Assembly Bill No. 2498, entitled “ An act to provide for the appointment of clerks to certain justices of the supreme court in the sixth judicial district.”

Assembly Bill No. 2507, entitled “ An act to amend chapter nine hundred and seventy-two of the laws of eighteen hundred and ninety-six, entitled ‘ An act for the protection of the Saranac river in the village of Saranac Lake, Franklin county.’ ”

Assembly Bill No. 2556, entitled “ An act relating to and defining dispensaries, requiring them to be incorporated or licensed, forbidding their establishment in a ‘ drug store ’ or a ‘ tenement-house,’ providing that the word ‘ dispensary ’ shall only be used in connection with

an incorporated or licensed dispensary, that persons shall not obtain relief from dispensaries by false representations, and that a violation of this act shall be a misdemeanor; also empowering the state board of charities to make rules and regulations and to annul or suspend incorporations and to revoke licenses."

Assembly Bill No. 2575, entitled "An act for the release to William R. Peters of any claim of the people of the state in and to certain lands within the city of New York."

Assembly Bill No. 2600, entitled "An act to amend chapter three hundred and fifty-four of the laws of eighteen hundred and eighty-three, entitled 'An act to regulate and improve the civil service of the state of New York,' in relation to residence of candidates for examinations."

Assembly Bill No. 1427, entitled "An act to locate and establish the boundaries of union free school district number seven in the town of Cortlandt."

Assembly Bill No. 1952, entitled "An act to provide for holding biennial elections of town officers at the same time as general elections, in the town of Goshen, county of Orange."

Assembly Bill No. 2490, entitled "An act to empower the town board of the town of Guilderland to appoint a justice of the peace for the first district of the said town of Guilderland."

Assembly Bill No. 2721, entitled "An act to fix the period of time for making the annual assessment and the compensation of the assessors in the town of Greenburgh, in the county of Westchester."

Senate Bill No. 747, entitled "An act to enable the electors of the town of Hancock, county of Delaware, to vote in three separate places at town meeting."

Assembly Bill No. 2256, entitled "An act in relation to the personal property of the town of Hempstead, in Queens county."

Assembly Bill No. 2694, entitled "An act providing for the payment of the two per centum tax collected from foreign fire insurance companies in the towns of Jamaica and Flushing."

Assembly Bill No. 2574, entitled "An act to reimburse the town of Lenox, Madison county, for moneys expended by said town in the construction of a bridge over the Douglass state ditch on the Tackabury road in said town, in place of a bridge destroyed by the widening of said ditch by the state authorities."

Assembly Bill No. 2749, entitled "An act to authorize the town board of the town of Manlius in Onondaga county to change the location of the soldiers' monument in said town."

Assembly Bill No. 2292, entitled "An act requiring the county of Ulster to pay a portion of the expense of a free bridge heretofore constructed in the town of Marbletown, in such county."

Assembly Bill No. 2439, entitled "An act to amend

chapter seven hundred and twenty-seven of the laws of eighteen hundred and sixty-six, entitled 'An act to consolidate school districts numbers one, three and fifteen and part of district number two of the town of Mount Morris, county of Livingston, and state of New York, into one school district,' and to repeal certain sections thereof."

Senate Bill No. 1425, entitled "An act relating to the election of school district officers in district number ten of the towns of Halfmoon and Stillwater, at Mechanicville."

Assembly Bill No. 1532, entitled "An act to amend chapter four hundred and ninety-five of the laws of eighteen hundred and sixty-three, entitled 'An act to provide for building a bridge over Chambers' creek, in the towns of Newburgh and New Windsor, in the county of Orange, and for making the present toll-bridge over Murderer's creek, in the town of New Windsor, free.'"

Assembly Bill No. 1459, entitled "An act authorizing the raising and appropriating by the town of North Hempstead of moneys to support inmates of the hospital of the Nassau Hospital association, at Mineola, in the town of North Hempstead."

Assembly Bill No. 2692, entitled "An act to legalize the annual election for town officers in the town of Oyster Bay, Queens county, held on the sixth day of April, eighteen hundred and ninety-seven."

Senate Bill No. 1246, entitled "An act to empower the

town of Olive in the county of Ulster to issue bonds for the purpose of improving Bushkill creek within the town of Olive, in the county of Ulster."

Assembly Bill No. 2570, entitled "An act to reimburse the town of Sullivan, Madison county, for moneys expended by said town in the construction of a bridge over the Douglass state ditch on the Gee road in said town, in place of a bridge destroyed by the widening of said ditch by the state authorities."

Assembly Bill No. 1962, entitled "An act to legalize the division into election districts of the town of West Turin, in Lewis county."

Assembly Bill No. 2336, entitled "An act to amend chapter sixty-eight of the laws of eighteen hundred and sixty, entitled 'An act to consolidate and amend the several acts relating to the village of Catskill,' and to fix, locate and establish the bounds of said village."

Assembly Bill No. 2332, entitled, "An act to amend chapter four hundred and forty-nine of the laws of eighteen hundred and seventy-one, entitled 'An act authorizing the trustees of the village of College Point to issue bonds and borrow money for the erection of a school-house in said village, and to increase the school tax in said village,' as amended by chapter one hundred and eleven of the laws of eighteen hundred and eighty-seven, relative to tax for school purposes."

Senate Bill No. 1450, entitled "An act to authorize the village of College Point, in Queens county, to convey

certain real property to the board of education of school district number seven of the town of Flushing, in the county of Queens, New York."

Senate Bill No. 1681, entitled "An act to authorize the village of Flushing to expend moneys raised by excessive issue of bonds under chapter five hundred and four of the laws of eighteen hundred and eighty-seven, for general village purposes."

Assembly Bill No. 1597, entitled "An act to authorize the village of Flushing to borrow money in anticipation of arrears of taxes, and to issue bonds therefor."

Assembly Bill No. 2453, entitled "An act to amend chapter three hundred and twenty-two of the laws of eighteen hundred and ninety, entitled 'An act to revise, amend and consolidate the several acts relating to the village of Plattsburgh, and to repeal certain acts and parts of acts,' relative to elections."

Senate Bill No. 1235, entitled "An act making sections six and seven of title six of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, applicable to the village of Plattsburgh."

Assembly Bill No. 2670, entitled "An act to amend chapter two hundred and six of the laws of eighteen hundred and fifty-one, entitled 'An act to revise, amend and consolidate the several acts in relation to the village of Salem, in the county of Washington,' relating to the establishment of an electric light plant in and by said village."

Assembly Bill No. 2778, entitled "An act to provide for the removal and disposal of the sewage of the village of Saratoga Springs."

Senate Bill No. 876, entitled "An act to amend chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, entitled 'An act to incorporate the village of White Plains, and the several acts amendatory thereof.'"

Assembly Bill No. 347, entitled "An act authorizing the removal of the wooden bridge over the Glens Falls feeder of the Champlain canal at the crossing of Main street, in the village of Sandy Hill, and the substitution of a wrought iron or steel bridge, and making an appropriation therefor." [Vetoed April 15.]

APPOINTMENT OF AN EXTRAORDINARY SPECIAL TERM OF THE SUPREME COURT AT CANTON.

STATE OF NEW YORK

Executive Chamber

IT APPEARING to my satisfaction that the public interest requires it,

Therefore in accordance with the statute in such case made and provided I do hereby appoint an Extraordinary Special Term of the Supreme Court to be held at the court-house in the village of Canton and county of St. Lawrence on Friday the second day of July next at ten o'clock in the forenoon of that day and to continue so

long as may be necessary for the disposal of the business which may be brought before it; and I do hereby designate the

Honorable LESLIE W. RUSSELL

of the village of Canton who is a Justice of the Supreme Court of this State to hold the said Extraordinary Special Term as hereinbefore described; and I do further direct that notice of such appointment be given by publication of this order once in each week for two successive weeks in the St. Lawrence Plaindealer newspaper published in the said village of Canton.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L S] this tenth day of June in the year of our Lord
one thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

APPOINTMENT OF AN EXTRAORDINARY TRIAL TERM OF THE SUPREME COURT AT CANTON.

STATE OF NEW YORK

Executive Chamber

IT APPEARING to my satisfaction that the public interest requires it,

Therefore in accordance with the statute in such case made and provided I do hereby appoint an Extraordinary

Trial Term of the Supreme Court to be held at the courthouse in the village of Canton and county of St. Lawrence on Friday the second day of July next at ten o'clock in the forenoon of that day and to continue so long as may be necessary for the disposal of the business which may be brought before it; and I do hereby designate the

Honorable LESLIE W. RUSSELL

of the village of Canton who is a Justice of the Supreme Court of this State to hold the said Extraordinary Trial Term as hereinbefore described; and I do further direct that notice of such appointment be given by publication of this order once in each week for two successive weeks in the St. Lawrence Plaindealer newspaper published in the said village of Canton.

Given under my hand and the Privy Seal of the

State at the Capitol in the city of Albany

[L S] this tenth day of June in the year of our Lord
one thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

THE CIVIL SERVICE — RULES AND REGULATIONS

STATE OF NEW YORK

Executive Chamber

In the exercise of the authority conferred by chapter 354, Laws of 1883, and the acts amendatory thereof, and by chapter 428, Laws of 1897, and in accordance with the provisions of the ninth section of the fifth article of the Constitution, the following rules are hereby promulgated for the regulation of the civil service of the State, and all other rules are hereby revoked.

Done at the Capitol in the city of Albany, this first day of July in the year of our Lord, one thousand eight hundred and ninety-seven.

FRANK S. BLACK

Governor

RULES FOR THE CIVIL SERVICE OF THE STATE OF NEW YORK

Rule I. Definition of the Civil Service, and its Divisions

1. The civil service of the State of New York shall be construed as including all offices and positions of trust or employment in the service of the State, the incumbents of which receive compensation for services or expenses from the treasury of the State or any civil division thereof or by the receipt of official fees, except such military or

naval offices and positions as are or may be created under the provisions of Article XI of the Constitution relative to the militia.

2. The civil service of the State shall be divided into the unclassified service and the classified service.

3. The unclassified service shall comprise all elective positions, all positions filled by election or appointment by the Legislature on joint ballot, or by the Senate or Assembly, or by legislative committees, all persons employed temporarily as attendants upon either house during its session, all persons appointed by name in a statute, and all positions filled by appointment by the Governor either upon or without confirmation by the Senate, except officers and employees in his own office.

4. The classified service shall comprise all positions not included in the unclassified service.

Rule II. Definition of Terms

The several terms hereinafter mentioned whenever used in these rules or any regulations thereunder shall be construed as follows:

1. The term "Commission" indicates the Civil Service Commission of the State of New York.

2. The term "Class" refers to the divisions of the civil service based upon the distinctive methods of appointments to the positions comprehended therein.

3. The term "Group" refers to the divisions in a class based upon the character of the duties of the positions without regard to the salaries received.

4. The term "Subdivision" refers to the divisions of positions in a group more specially arranged according to details for the purpose of examinations identical in whole or in part.

5. The term "Grade" refers to the division of any group or subdivision upon the basis of salary or compensation received.

6. The term "Office" shall be construed to apply comprehensively and restrictively to all such offices, courts, departments, commissions, boards and institutions, as have primary and sole responsibility and are not subordinate administrative divisions.

7. The word "Compensation" shall be construed as the annual salary of the position or its equivalent when stated by the day, week or month, and shall include proper commutation for lodgings and board, or either, when the same are furnished free as a part of such compensation, and such rate of commutation shall be fixed by regulation of the Commission.

8. The term "Veterans" refers to honorably discharged soldiers and sailors from the army or navy of the United States in the late civil war who are citizens and residents of this State.

9. The masculine pronoun "he" and its derivatives shall include the feminine pronoun "she" and its derivatives.

10. Whenever in these rules there is a direction that the Commission shall report any matter to the Legislature it shall be construed as referring to the next ensuing annual report of the Commission to the Legislature as required by law.

Rule III. General Provisions

1. The violation of any of the provisions of the civil service acts or of these rules by any person in the civil service of the State shall be considered a good cause for the dismissal of such person from the service.

2. No person in the civil service of the State shall use his official authority or influence to coerce the political action of any person or body; or shall dismiss or cause to be dismissed, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any person in such service because of his political or religious opinions or affiliations.

3. No question in any examination, or form of application or other proceeding by or under the Commission, or its examiners, shall be so framed as to elicit information concerning, nor any other attempt be made to ascertain, the political or religious opinions or affiliations of any applicant, competitor or eligible, and all disclosures thereof shall be discountenanced by the Commission and its examiners. And no discrimination shall be exercised, threatened or promised against or in favor of any applicant, competitor or eligible because of his political or religious opinions or affiliations.

4. No recommendation of an applicant, competitor or eligible involving any disclosure of his political opinions or affiliations shall be received, filed or considered by the Commission, by an examining board or by any nominating or appointing officer.

5. No person in the civil service of the State shall be obliged to contribute to any political fund or to render any political service; nor shall any such person, directly or indirectly, use his authority or official influence to compel or induce any other person in such service to pay or promise to pay any political assessment.

6. In making removals or reductions or in imposing penalties for delinquency or misconduct, penalties like in character shall be imposed for like offenses and action thereon shall be taken irrespective of the political or religious opinions or affiliations of the offenders.

7. A person holding a position on the date said position is classified under the rules whose appointment was made in conformity with the law and who had been rendering the proper duties of such position, shall be entitled to all the rights and benefits, possessed by persons of the same class appointed upon examination under the provisions of said rules.

8. The Commission shall have authority to prescribe such regulations in pursuance of and for the execution of the provisions of these rules and of the Civil Service Act, as may not be inconsistent therewith, and may pre-

scribe blank forms for all applications, certificates, reports, records and returns required under these rules and the regulations made in pursuance thereof.

Rule IV. Appointments to and Employment in the Classified Service

1. In pursuance of the provisions of Article V, section 9 of the Constitution and of the Civil Service Acts there shall be provided to ascertain merit for admission to the classified service, examinations to be made under the general direction of the Commission.

2. No person shall be appointed to or employed in any position in the classified service until he shall have passed the examinations for merit and fitness as provided there-
for or unless the position to which he is appointed is especially exempt from examination under the provisions of these rules. ✓

3. The classified service shall be divided into four classes, and all positions and employments in said service shall be included in such classes, as hereinafter provided.

Rule V. Definition of Class I

Class I shall include (a) the deputies specially authorized by law to act for and in the place of the head of an office; (b) one principal cashier for each office, a part of the functions of which are the receipt or disbursement of money other than that applied to the payment of its own expense, including salaries; (c) the secretaries of State boards and commissions specifically named herein;

(d) such confidential clerks or other positions as shall be specifically named in this rule; and such class shall comprise the following positions and such other positions as may hereafter be added under the four groups above defined:

Positions in Class I

In the office of the Governor:

- The private secretary
- The military secretary
- The appointment clerk
- The pardon and requisition clerk
- The executive stenographers
- Counsel

In the office of the Secretary of State:

- The deputies
- The chief clerk
- The confidential clerk
- The stenographer

In the office of the Comptroller:

- The deputies
- The confidential clerk
- The stenographer

In the office of the Treasurer:

- The deputies
- The cashier
- The confidential clerk
- The stenographer

In the office of the Attorney-General:

The deputies

The assistant in New York city

The confidential clerk

The stenographer

In the office of the State Engineer and Surveyor:

The deputy

The division engineers

The confidential clerk

The stenographer

In the Insurance Department:

The deputy superintendents

The cashier

The private secretary

The chief actuary

The confidential examiners

Two stenographers

The chief clerk of the tax department

In the Banking Department:

The deputy superintendent,

The private secretary

The confidential examiners

The stenographer

In the Department of Public Instruction:

The deputy superintendents

The institute lecturer

The conductor of institutes

The confidential clerk

In the office of the Warden of Auburn Prison:

The industrial clerk

In the State prisons:

The agents and wardens

The chaplains

In the Court of Appeals:

The clerk

The deputy clerk

The reporter

The law examiners

In the office of the Railroad Commission:

The secretary

The inspector

In the office of the Capitol Commissioner:

The private secretary

In the office of the Prison Commission:

The secretary

In the Department of Excise:

The deputy and special deputy commissioners

The secretary to the commissioner

The financial clerk

The cashier in the office of each special deputy commissioner

Counsel

In the Department of Public Works:

The deputy superintendent

The assistant superintendents

The superintendents of repairs

The private secretary

The financial clerk

The consulting and inspecting architect, New Capitol

The special agents and disbursing clerks to the section
superintendents

The stenographer

In the office of the State Board of Charities:

The secretary

The private secretary to the superintendent of State
and alien poor

In the office of the Regents of the University:

The secretary

The director of examinations

The honorary university examiners

The medical examiners

In the Department of Public Buildings:

The superintendent

The deputy superintendent

The paymaster

In the office of the Commission in Lunacy:

The secretary

In the State Hospitals, Asylums and Houses of Refuge:

The treasurers

The chaplains

The stewards

In the office of the Board of Claims:

The clerk

In the office of the Board of Health:

The secretary

In the Bureau of Statistics of Labor:

The deputy

The chief clerk

In the office of the Forest Preserve Board:

The secretary

The stenographer

In the office of the Fisheries, Game and Forest Commission:

The assistant secretary

The confidential clerk to the Shellfish Commissioner

In the office of the Commissioner of Agriculture:

One assistant commissioner

One detective

In the office of the Board of Mediation and Arbitration:

The secretary

In the office of the Board of Tax Commissioners:

The secretary

In the office of the Factory Inspector:

The secretary

In the office of the Commissioners of the State Reservation at Niagara:

The secretary and treasurer

In the Weather Bureau at Cornell University:

The meteorologist

The secretary and expert

In the Agricultural Experiment Station at Geneva:

The director

The assistant director

In the State Reformatory at Elmira:

The chaplain

In the Industrial School at Rochester:

The parole agent

The chaplains

In the Soldiers and Sailors' Home at Bath:

The superintendent

The adjutant

The quartermaster

The assistant quartermaster

The surgeon

The assistant surgeon

In the Onondaga Salt Springs at Syracuse:

The deputy superintendent

In the office of the Quarantine Commission:

The secretary

In the office of the Board of Port Wardens:

The secretary

The collector

In the office of the Health Officer of the Port of New York:

The deputies

In the office of the Commissioners of Subways, Brooklyn:

The secretary

In the Normal Schools:

The principals

The Superintendent of Weights and Measures

In the Courts:

The chief clerk of each court

The police clerk and interpreter of each magistrate's court, New York city

The secretary of the Board of Police Magistrates, New York city

The interpreter of the Court of Special Sessions, New York city

The assistant clerk of each District Court, New York city

One confidential clerk, stenographer, attendant, or other assistant to each judge of the Court of Appeals and of the Supreme Court

Rule VI. Appointments in Class I

Appointments may be made to positions in Class I, without examination. Upon formal notice to the Commission of such appointments by the head of an office, certification of the same will be made to the Comptroller or other fiscal officer otherwise authorized to pay a salary to the incumbent of the position to which such appointment is made.

Rule VII. Definition of Class II

Class II shall include all positions now existing or hereafter created of whatever functions, designations or compensation in each and every branch of the classified service, except such positions as are specifically designated in Class I or Class III, or included in Class IV, arranged in the following groups:

(The subdivisions under the following groups will be found in the regulations.)

Groups Based upon the Character of the Service Rendered

Group A. Clerks, etc.

Group B. Cashiers, etc.

Group C. Custodians, messengers, etc.

Group D. Engineers, etc.

Group E. Inspectors, etc.

Group F. Special agents, etc.

Group G. Law positions, etc.

Group H. Medical positions, etc.

Group I. Mathematicians, etc.

Group J. Scientists, etc.

Group K. Agriculturists, etc.

Group L. Instructors, etc.

Group M. Mechanics, craftsmen, etc.

Group N. Miscellaneous positions

The omission in the above classification of any official designation or appellation of a position in the service shall not exclude such position from the classification, as it will be comprised in the group and subdivision to which it belongs by the general definition and specifications of such group and subdivision.

2. The Commission may further subdivide for the purpose of examination the positions in any group or subdivision thereof, so as to test practically the special qualifications requisite for such positions.

3. The classification of all positions shall be governed solely by the respective duties and functions of such positions, and in requesting from the Commission the certifications from eligible lists for selection for appointment the heads of offices shall give in detail the duties attached to such positions, and shall name so near as may be the groups and subdivisions that comprise respectively such duties and functions.

4. For the purposes of orderly arrangement and of regulated promotion, the positions in each subdivision of each group shall be divided into grades based upon the rates of annual compensation, as follows:

Grade 1. All positions, the compensation of which is at the rate of less than \$600 per annum.

Grade 2. All positions, the compensation of which is at the rate of \$600 or more, but less than \$900 per annum.

Grade 3. All positions, the compensation of which is at the rate of \$900 or more, but less than \$1,200 per annum.

Grade 4. All positions, the compensation of which is at the rate of \$1,200 or more, but less than \$1,400 per annum.

Grade 5. All positions, the compensation of which is at the rate of \$1,400 or more, but less than \$1,600 per annum.

Grade 6. All positions, the compensation of which is at the rate of \$1,600 or more, but less than \$1,800 per annum.

Grade 7. All positions, the compensation of which is at the rate of \$1,800 or more, but less than \$2,100 per annum.

Grade 8. All positions, the compensation of which is at the rate of \$2,100 or more, but less than \$2,500 per annum.

Grade 9. All positions, the compensation of which is at the rate of \$2,500 or more, but less than \$3,000 per annum.

Grade 10. All positions, the compensation of which is at the rate of \$3,000 per annum or over that amount.

Rule VIII. Appointments to Positions in Class II

1. Appointments shall be made to or employment shall be given in all positions in Class II that are not filled by

promotion, reinstatement, transfer or reduction under these rules, by selection from those graded highest, according to their standing, as the result of open competitive examinations, except as herein otherwise provided.

2. Whenever a position in the classified civil service is to be filled by appointment after a competitive examination, an examination for fitness by or under the direction of the appointing officer may be held at any time for the subdivision in which the position is classified under the rules or regulations of the Commission. Upon notice by such officer that an examination for fitness is desired, the Commission shall immediately transmit to him the names of all persons then on the list of those eligible for merit in such subdivision. Immediately upon the receipt of such a list, the appointing officer shall cause a competitive examination of such persons to be held, and, unless the examination is by the Commission, shall give notice to such persons to appear at a specified time and place for the purpose of being examined in relation to their fitness for the position named in such subdivision. The Commission, upon request of the appointing officer, will conduct and certify such examination for fitness and prepare the eligible list.

The maximum rating for fitness shall be fifty, and the minimum thirty-five. The rating for merit shall be added to the rating for fitness of each candidate. The result so

obtained constitutes the eligible list for the particular subdivision, and appointments must be made therefrom in the order of the combined rating of each candidate. The person, officer or board conducting the examination shall upon completing the eligible list certify it to the Commission. If the examination for fitness is conducted by the Commission the eligible list prepared as the result of such examination shall be filed in its office and within five days thereafter a certified copy thereof shall be delivered to the appointing officer who requested such examination. Such an eligible list shall continue for one year from the date of the filing of the merit list by the Commission as the eligible list from which appointments shall be made by such appointing officer from that subdivision, unless a new eligible list is prepared as herein provided; but the appointing officer may at any time hold or require other competitive examinations for fitness of the persons then remaining upon such eligible list, in the same manner and with like effect.

Unless the examination for fitness is conducted by the Commission, the appointing officer shall certify to the Commission that the ratings for fitness were determined by competitive examination as provided by law.

Whenever the sex of the persons whose names are to be certified is fixed by any law, rule or regulation, or is specified in the request for certification, the names only of those of the sex so fixed or specified shall be certified from the merit list, but in other cases, such certification shall be made of all persons without regard to sex.

3. In the selection, nomination, appointment or promotion of persons to fill positions in the classified service no regard shall be paid to the partisan political opinions, affiliations or action of any person so selected, nominated, appointed or promoted.

4. Upon the written requisition of an appointing or promoting officer, the Commission will furnish him with the application and examination papers of all the persons certified to him as eligible for merit. All papers furnished upon requisition as above must be returned to the Commission with the notice of selection.

5. Whenever there are urgent reasons for filling a vacancy in any office and there is no merit list from which an eligible list may be made, or in case all persons whose names are on such eligible list shall decline the appointment, the head of the office may nominate a person to the Commission for non-competitive examination, and if such nominee shall be certified by the Commission as qualified by merit, he may be appointed temporarily to fill such vacancy until a selection and appointment can be made from the proper eligible list; and if the head of the office upon the notification that such a merit list is on file with the Commission shall omit within thirty days after such notice to make an eligible list and an appointment therefrom, the position shall be considered vacant.

6. In case of vacancy in any position in Class II, where peculiar and exceptional qualifications of a scientific, pro-

fessional or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable and that the position can be best filled by the selection of some particular person of high and recognized attainment in such qualities the Commission may suspend the provisions of the rule requiring competition in such case, but no such suspension shall be general in its application to such place, and all such cases of suspension shall be reported to the Legislature with the reasons for the same.

7. The following mentioned positions or employees shall not be subject to examination under these rules:

(a) Any position filled by a person appointed because his residence is conveniently located for the performance of the duties of such position, *provided* that the performance of such duties does not occupy all the time of the occupant and that his compensation therefor shall not exceed in any one year the sum of three hundred dollars; and *further provided*, that local health officers filling such positions shall be practicing physicians of not less than five years' reputable standing and whose nomination or selection is approved by the State Board of Health and so certified to the Commission.

(b) Any military or naval officer of the United States duly detailed or assigned as a special instructor in any educational institution in this State or as instructor of any part of the military or naval forces of the State.

(c) Any person engaged in private business who shall render any professional, scientific, technical or other expert services of an occasional and exceptional character to any State officer and whose compensation in any one year shall not exceed three hundred dollars, *provided*, that such limitation of compensation shall not apply to any such person employed by the Governor, Comptroller, Attorney-General, or by the Senate or Assembly or any committee thereof, or by appointment by the courts.

8. If a person who is not entitled to certification is certified and appointed, his appointment shall be immediately revoked by the appointing officer upon notification by the Commission.

9. An examination for merit will be held by the Commission once every three months, and a new merit list will be thereupon made, containing the names of all persons appearing upon a former merit list who have notified the Commission of their desire to be continued upon such list, as provided by paragraph 4 of rule 11, and also the names of such persons as shall have passed such new examination.

Rule IX. Applications

1. No person shall be admitted to any examination for merit for a position in Class II until he shall have filed an application under oath upon a form prescribed by the Commission and accompanied by such certificates as may be prescribed.

2. Every applicant for examination must be a citizen of the United States and an actual resident of the State of New York at the time of his application, *provided*, that such requirements as to citizenship and residence may be specially suspended by the Commission as to any position requiring high professional, scientific or technical qualifications, or in cases where through low compensation for services such requirements are disadvantageous to the public interests, but all such cases, whether of individuals or groups, with the reasons therefor, shall be reported to the Legislature.

3. No application for examination shall be accepted unless the applicant is within the age limitations fixed by the Commission for entrance to the position to which he seeks to be appointed.

4. Whenever the application shows that the applicant is not within the prescribed limits of age or is otherwise not qualified under the rules and regulations, the application shall be rejected. The Commission may, in its discretion, refuse to examine an applicant, or to certify an eligible, who is physically so disabled as to be rendered unfit for his performance of the duties of the position to which he seeks appointment; or who is addicted to the habitual use of intoxicating beverages to excess; or who has been guilty of a crime or of infamous or notoriously disgraceful conduct; or who has been dismissed from the service for delinquency or misconduct within one year

next preceding the date of his application; or who has intentionally made a false statement in any material fact, or practiced, or attempted to practice, any deception or fraud in his examination or in securing his eligibility or appointment. Any of the foregoing disqualifications shall be good cause for the removal of an eligible from the service after his appointment.

5. In applications for examination for positions requiring scientific, professional or technical qualifications, the Commission may require evidences of special education for, or of practical experience for a satisfactory term in, such science, profession, art or trade; and shall require the production of such certificates of competency and licenses as are provided by the statutes of this State as necessary to enable the practice of any profession, art or trade.

6. Any application for a position in the Civil Service made in contravention of the provisions of the ninth and thirteenth sections of the Civil Service Act will be rejected.

Rule X. Examinations for Merit

1. All examinations by the Commission shall be of a suitable and practical character, involving such subjects as will fairly test the general qualifications of the applicant for the position for which he is examined, and may also include oral examinations or special tests for any particular position requiring any scientific, professional or technical knowledge or manual skill.

2. Under the direction of the Commission the chief examiner will prepare a list of subjects of examination for the several positions in Class II, upon which each applicant must be examined.

3. For the purpose of making examinations of applicants from time to time, as may be required, the Commission shall designate and select a suitable number of persons to be members of boards of examiners at such places as it deems necessary and shall duly commission such persons as examiners; and the Commission may at any time substitute any other person in place of any one so selected. When persons selected as examiners are in the official service of the State, the head of the office in which such persons serve shall be consulted; and in the discharge of their duties as examiners the persons so selected from the official service shall be responsible solely to the Commission, and shall act under its regulations and directions. The members of any board of examiners shall not all be adherents of one political party when other persons are available and competent to serve upon such board.

4. Examinations shall be held at such places and upon such dates as the Commission shall deem most advantageous to the service and convenient for applicants. Previous notice of examinations shall be mailed to all persons who have made application in due form, with copies of all such general or special regulations as the Commission shall prescribe.

5. Whenever physical qualifications are of prime importance in the proper discharge of duties in any position, applicants must pass a physical examination and be certified as qualified in such respect, either before admission to examination, or before record in the proper merit list, or before certification for appointment, as the Commission may determine.

6. No person who has failed in any examination for a position in the classified service shall be admitted within one year from the date thereof to a new examination for the same position.

7. Examination papers shall be rated on a scale of 50, and the subjects therein shall be given such relative weights as the Commission may prescribe. After a competitor's papers have been rated he shall be duly notified of the results thereof.

Rule XI. Merit Lists

1. Every competitor who attains an average rating of 35 or over on all the obligatory subjects in any examination for merit shall be eligible for examination for fitness for appointment to the position for which he was examined; and the names of eligibles shall be entered in the order of their average ratings on the proper merit list; provided that the names of the competitors who have passed as above, and whose claims for preference under section 9 of article V of the Constitution have been

allowed by the Commission shall be placed in the order of their respective average ratings at the head of the proper merit list.

2. When two or more persons on a merit list have the same average rating, precedence on such list shall be determined by the order in which their applications were filed, but neither priority in the date of application nor of examination will give any other advantage in position on such list.

3. The Commission may include in one merit list the names of persons examined for all the positions in any subdivision of a group, and may so arrange examinations for positions in a group as to combine them in regard to the main qualifications to be tested and with specific variations in other tests as to the distinct subdivisions of the group, so that as many merit lists may be prepared from such examinations as the interests of the service demand. A transfer of names from one merit list to another, prepared as above, may be made under the regulations of the Commission.

4. Within five days after the filing of a merit list the Commission will notify each candidate whose name appears thereon of the date of such filing and the order of his standing on such list, and with such notice shall be served a copy of this rule. The deposit of such a notice in the post-office or branch post-office at Albany, properly addressed, with the postage paid, shall be deemed a sufficient service thereof. Each person whose name appears

upon such merit list must notify the Commission at least once every three months, computing from the date of filing the list, that he is willing to accept an appointment, if tendered to him, and desires to have his name continued on such list. If such a notice is not received by the Commission the name of the candidate shall thereupon be stricken from the list.

If a candidate whose name has been entered upon an eligible list declines or fails to accept an offer of appointment from any officer authorized to appoint from such list, he shall be deemed to have waived his right to appointment and his name shall be stricken from the list.

5. For State positions outside of Albany, the duties of which are confined to a district or locality or are of such a nature as to require intimate knowledge of the district or locality, or in cases where the temporary character or low compensation of the services renders it improbable, in the opinion of the Commission, that persons will be willing to come from a distance to accept such service, the Commission may by regulation provide for separate merit lists for such districts or localities to be restricted to residents therein; but whenever such restriction is made on account of the temporary character or low compensation of the service, it shall be provided that applicants residing outside a district may upon special application be entered upon the list for that district. In all cases where practicable the districts herein provided for shall be so limited that every portion of the State shall be included.

Rule XII. Term of Probation

1. Every original appointment to or employment in any position in Class II shall be for a probationary term of three months, and an appointing or nominating officer in notifying a person selected by him for appointment or employment shall specify the same as for a probationary term only; and at the end of such term, if the conduct, capacity and fitness of the probationer are satisfactory to the appointing officer, his retention in the service shall be equivalent to his absolute appointment, but if his conduct, capacity or fitness be not satisfactory, he may be discharged at any time.

2. Every officer under whom any probationer shall serve during any part of his probation shall carefully observe the quality and value of the services rendered by such probationer and his conduct, and if so required shall report in writing to the proper appointing officer the facts observed by him, showing the character and qualifications of such probationer, and of the service rendered by him, and such reports shall be preserved on file.

Rule XIII. Temporary Appointments

1. No temporary appointment or employment in Class II shall be made or given, except under the provisions of the fifth section of Rule VIII, or as herein provided.

Every officer having the power of such employment shall, previous to making the same, certify to the Commission that the services to be rendered are of a temporary character and shall give the duration and character

of the service to be rendered and the rate of compensation to be paid therefor. When the duration of service is certified not to exceed one month, and the need of such service to be immediate and urgent, the appointing officer may select for such temporary service any person on the proper register of those eligible for permanent appointment; subject, however, to the provisions of law giving preference in appointment to certain persons; except that temporary appointments of officers may be made for not more than five days in any case to transfer prisoners from one prison to another, or as substitutes for regular officers who are necessarily absent, engaged in this duty. When the character of the temporary service is exceptional, and in the judgment of the Commission a competitive examination is not practicable, the application of this rule may be suspended, or modified in such manner as the Commission may deem proper.

2. No person appointed under this rule, except those appointed as herein provided for the transfer of prisoners, shall be appointed temporarily a second time unless sixty days shall have elapsed since the termination of his previous term of temporary service, and every temporary appointment without examination must be reported to the Commission forthwith with the reason for the same.

3. The acceptance by an eligible of a temporary appointment shall not affect his standing on the eligible list for a

permanent employment nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

Rule XIV. Short-Term Positions

1. All positions in Class II, where the nature of service is such that it is not continuous through the year, but recurs in each successive calendar year, shall be designated as short-term positions and shall be subject to the provisions of these rules applicable generally to positions in Class II, except as herein otherwise provided.

2. Any person originally appointed to or employed in a short-term position under the provisions of these rules and who has been temporarily separated from the service by the expiration thereof in any year shall be entitled to reappointment to or re-employment in the same position in the next ensuing year upon filing in the office of the Commission, in such form as it may prescribe, a request for such reappointment or re-employment within six weeks previous to and at least thirty days before the date of resumption of such short-term service. The Commission shall certify to the proper appointing or employing officer the names and post-office addresses of the persons who have made such formal requests, and they shall be reinstated in the positions vacated by them in the previous year in the order of the date of their original appointment or latest promotion in the several grades; *provided*, that in the meantime they are not disqualified from any of the causes recited in the fourth section of Rule IX.

Rule XV. Promotions

1. No vacancy in any position in Class II above the lowest grade in any subdivision and group shall be filled by original appointment by certification from the registers of eligibles whenever there is in the office where the vacancy exists any person holding a position in a lower grade in the same subdivision or group who is fit, meritorious and willing to be promoted and so certified as hereinafter provided; *provided*, that for original entrance to the position proposed to be filled by promotion there is not required by these rules, in the opinion of the Commission, an examination involving essential tests or qualifications different from or higher than those involved in the examination for original entrance to the position held by the person proposed to be promoted; but this restriction shall not apply in case the name of such person shall be upon the eligible list for such higher position.

2. Promotion shall in all cases be based upon the positive merits and fitness of the person promoted and upon his superior qualifications as shown by his previous service, due weight being given to seniority.

3. In order that such merit and fitness may be properly certified and such superior qualifications may be relatively estimated, there shall be kept in every office, continuous and comparative records of the efficiency, punctuality, attention and general good conduct of all persons employed therein, which records shall be the main factor in competition for promotion.

4. Whenever the head of an office shall deem a written competitive examination to be practicable as a factor in ascertaining the relative merit of those persons otherwise qualified for promotion to a vacancy in his office, the Commission on his formal application may hold such examination and certify the results to the head of the office for his information.

5. Promotions shall be made by regular and successive grades, but if there is no person fit for promotion in the next inferior grade, the selection shall be made from the second inferior grade, and if none there be found fit, then from the third inferior grade, and so on until a suitable person has been found in such grade or grades, or if there be none found in such inferior grades the vacancy shall be filled by appointment under these rules from the proper eligible list of those qualified for appointment to positions in the subdivision of the group wherein the position to be filled is classified.

6. No promotion can be made from a position in one class or group to a position in another class or group, unless the same be specially authorized by the Commission, but a person employed in any grade shall not because of such employment be barred from the open, competitive examination provided for original entrance to any other grade.

7. In case of any vacancy to be filled under this rule by promotion, the head of the office, in his discretion and in accordance with the preceding clauses of this rule, shall

make a promotion or appointment to fill such vacancy, and shall certify the same to the Commission in such form as it may prescribe, and shall give in such certificate the specific reasons for such promotion or appointment; or in case the head of the office shall determine that there is no person in his office entitled by merit and fitness and willing to be promoted to such vacancy he shall so certify to the Commission in such form as it may prescribe. A duplicate of any certificate to the Commission by the head of an office, as above provided, whether the vacant position be filled by promotion or original appointment, with the reasons therefor, shall be filed in the office of the officer making it and shall be considered a public record, open to the scrutiny of any one concerned.

8. No recommendation of any person for promotion, whether verbal or written, shall be entertained or received unless made in the ordinary course of duty by his immediate official superiors, and the presentation of any recommendation other than that of such superiors shall be considered an unwarrantable interference with the public service, and the person so recommended may be required to show, before being certified for promotion, that such recommendation was not made by his request or connivance.

Rule XVI. Transfers

1. A person who has received an absolute appointment to any position in Class II may be transferred to a position in the same group, subdivision and grade in any other

office; *provided*, that for original entrance to the position purposed to be filled by transfer there is not required by these rules, in the opinion of the Commission, an examination involving essential tests or qualifications different from or higher than those involved in the examination for original entrance to the position held by the person proposed to be transferred, but this restriction shall not apply in case the name of such person shall be upon the eligible list for the position to which he is proposed to be transferred.

2. No transfer can be made from any position in the unclassified service to any position in the classified service, nor from any position in one class to any position in another class, nor from any position in any grade, subdivision or group in Class II to any different grade, subdivision or group in that class, unless the same shall be specially authorized by the Commission, and such authorization shall be reported with the reasons therefor to the Legislature; *provided*, that a person who, by promotion or transfer from a position in the classified service, has entered a position, appointment to which is made by the Governor by and with the consent of the Senate, and has served continuously therein from the date of said promotion or transfer, may be retransferred from such unclassified position to the position from which he was so transferred, or to any position to which transfer could be made therefrom.

Rule XVII. Reinstatement in Service

Any person who has held a position by appointment under the civil service rules, and who has been separated from the service through no delinquency or misconduct on his part, may be reinstated without re-examination in a vacant position in the same office and in the same group, subdivision and grade, within one year from the date of such separation; *provided*, that for original entrance to the position proposed to be filled by reinstatement there is not required by these rules, in the opinion of the Commission, an examination involving essential tests or qualifications different from or higher than those involved in the examination for original entrance to the position formerly held by the person proposed to be reinstated.

Rule XVIII. Certificates for Promotion, Transfer and Reinstatement

1. Upon the written request of an appointing officer, stating the essential facts in regard to any proposed promotion, transfer or reinstatement, the Commission will, if such promotion, transfer or reinstatement be in accordance with law and the provisions of these rules, issue its certificate of that fact to such officer.

2. All promotions, transfers and reinstatements herein authorized shall be made only after the issuance of such certificate, except those which may be specifically exempted from such condition by regulation of the Commission.

Rule XIX. Definition of Class III

Class III shall include such skilled laborers, attendants and other positions of a minor grade as are named in this rule, *provided*, that no position the duties of which require the incumbent to come in contact with the inmates of any hospital, asylum, prison, reformatory or like institution of charity or correction, shall be considered that of an unskilled laborer.

Class III shall comprise the following positions and such other positions as may hereafter be added:

Positions in Class III

In the office of the Comptroller:

The watchman

In the office of the Treasurer:

The watchman

In the Insurance Department:

The watchman

In the Department of Public Instruction:

Porters

In the Department of Public Buildings:

Porters, upholsterers

In the Department of Public Works:

The harbor masters

In the State hospitals, asylums and charitable institutions:

Watchmen, policemen, barbers, supervisors, nurses, attendants, ward-helpers, housekeepers, chefs, cooks,

bakers, meat-cutters, laundry overseers, head laundresses, linemen, plumbers, steamfitters, firemen, master mechanics, carpenters, painters, blacksmiths, foremen, tailors, shoemakers, printers, bookbinders, farmers, dairymen, gardeners, florists, conductors

In the office of the Fisheries, Game and Forest Commission:

The protectors and foresters

The assistant oyster protector

In the office of the Adjutant-General:

The keeper of the military bureau

The janitor of the military bureau

In the office of the Chief of Ordnance:

The watchman

In the Onondaga Salt Springs at Syracuse:

Three inspectors of salt

Three block inspectors

The overseers of pumps

The superintendents of aqueducts and reservoirs

The inspectors of barrels

The engineers

The pumpers

In the State Prisons:

The machinists

The assistant matrons

The foremen, manufacturing department

The examiners, manufacturing department

In the Prison for Women at Auburn:

The attendants

In the State Reformatory at Elmira:

Hospital stewards

Machinists

Firemen

Office boys

In the State Industrial School at Rochester:

Nurses, housekeepers, patrolmen, yard officers, dining-room officers, dormitory officers, guardhouse officers, farm guards, gatekeepers, caretakers, attendants, cooks, superintendent of hospital, superintendent of kitchen, milk sterilizer, dentist

In the House of Refuge for Women at Hudson:

Supervisors, assistant supervisors, watchmen, marshals, firemen

In the Thomas Orphan Asylum at Versailles:

Attendants, cooks, head farmer

In the House of Refuge for Women at Albion:

Nurses, cooks, seamstresses, firemen

In the School for the Blind at Batavia:

Housekeepers, ushers, bakers, cooks, laundresses, firemen, florists, carpenters, yardmen, janitors

In the Soldiers and Sailors' Home at Bath:

Cooks, blacksmiths, linemen, steamfitters, firemen,
carpenters, nurses

In the Department of the Quarantine Commission:

Firemen, cooks, boatmen, carpenters

In the Department of the Health Office of the Port of
New York:

Shipkeepers, firemen, fumigators, nurses, watchmen

Rule XX. Employment in Positions in Class III

1. The positions in Class III must be filled by such persons as upon proper non-competitive examinations for merit and fitness shall be certified as qualified to discharge the duties of such positions by an examiner or examiners selected or appointed for that purpose; *provided*, that from time to time the Commission shall transfer positions from this class to Class II, whenever it shall be determined that
✓ a competitive examination therefor is practicable. The head of any office, department or institution in which there may be a vacancy or vacancies in any position or positions in this schedule, may name for examination for merit by this Commission a person for each vacancy, and his request for such examination shall be accompanied by his certificate showing that the person named has been examined for fitness, with the result of such examination. The Commission may provide, by special regulation that in any institution where a number of persons are employed

in the same grade, the employing officer may name for examination more than one person, in order that there may be a list of qualified persons from which to make an immediate selection in case of vacancy.

2. The Commission shall select, appoint and commission examiners or boards of examiners to determine the merit of persons named for employment in positions in Class III, and they shall be subject to the provisions of the third section of Rule X.

3. Examinations for merit or fitness for positions in Class III shall be such as shall determine the following qualifications:

First. That the person examined is within the limits of age prescribed for the position or employment to which he has been named;

Second. That he is properly certified as free from any physical defect or disease which would be likely to interfere with the proper discharge of his duties;

Third. That his character is such as to qualify him for such position or employment; and

Fourth. That he possesses the requisite knowledge and ability to enter on the discharge of his duties in the service.

To preserve a uniform standard in such qualifications for like positions and employments in the several institutions and offices of the State service, the Commission, after consultation with the principal officers concerned, may by regulations prescribe uniform limitations and tests for the government of the examiners.

Rule XXI. Definition of Class IV

Class IV shall include unskilled laborers, which term shall embrace such laborers as are not included in Class III. Unskilled laborers may be employed without examination.

Positions Classed as Laborers

In the Department of Public Works:

Patrolmen, lock-tenders, watchmen, foremen, cooks, teamsters, boat-captains, boat-commanders, water-boys, pavers, feeder-tenders, carpenters, reservoir-tenders, pilots, firemen, cranesmen, bridge-tenders, deck-hands, painters, blacksmiths, weighmasters, divers and janitors

Rule XXII. Reports of Appointing Officers

For the purpose of certification of the Comptroller, or other fiscal officer, for the payment of salaries as required by law, and in order that the Commission may keep proper record of the service and of changes in it, each appointing and employing officer from time to time after the date of the promulgation of these rules and upon the date of the official action in or knowledge of each case, shall report to the Commission as required by law, and in such form and manner as it may prescribe, as follows:

(a) Every original appointment or employment whether probational, temporary, or otherwise, with the date of commencement of service and the compensation of the position;

(b) Every failure to accept an appointment under him by a person who has been duly certified, with the reasons, if any, given therefor;

(c) Every discharge at the end of probationary term with the date thereof;

(d) Every vacancy in a position, whether caused by dismissal, resignation or death, with the date thereof;

(e) Every new position with the duties of the same, as defined in Rule VII, and the compensation thereof;

(f) Every position abolished with date of such abolition;

(g) Every change of compensation in a position, with the date thereof;

(h) Every change in the duties of a position that may require its reclassification, with the date thereof;

(i) Every promotion, giving the positions from which and to which made, with the date thereof;

(j) Every transfer, giving the positions from which and to which made, with the date thereof;

(k) Every reinstatement in a position, with the date thereof.

Rule XXIII. Certifications to Fiscal Officers

1. The Commission shall keep in its office an official roster of the classified Civil Service of the State and shall enter thereon the name of each and every person who has been appointed to, employed, promoted or reinstated in any position in such service upon such evidence as it may require or deem satisfactory that such person was ap-

pointed to, or employed, promoted or reinstated in the service in conformity with the provisions of law and of these rules. The official roster shall show opposite or in connection with each name the date of appointment, employment, promotion or reinstatement, the class, group, subdivision and grade of and the office in which and the compensation of the position, date of commencement of service, and the date of transfer in or separation from the service by dismissal, resignation, cancellation of appointment, or death.

2. Whenever the name of a person, appointed to or employed, promoted, transferred or reinstated in any position in the classified service, is entered upon the official roster as provided above the Commission shall certify to the Comptroller or other fiscal officer duly authorized to pay or draw a warrant for the payment of the salary of such position, the name, position, office, compensation and date of commencement of service of the person so appointed, employed, promoted, transferred or reinstated; and in like manner shall certify to the officials aforesaid any separation of a person from the service, or other change therein, and the name of any person appointed or employed in the civil service of the State in violation of law or of the rules and regulations made in pursuance of law.

3. Upon satisfactory evidence that, with intent to evade the provisions of law and of these rules, any person appointed to or employed in any position in the classified

service has been assigned to perform duties other than those for which he was examined and certified, the Commission shall cancel its certification of such person by formal notice to the fiscal and appointing officers, and the appointment or employment of such person shall be void on and after five days from the date of such notice.

Rule XXIV. Power of Appointment and Removal

Subject only to the qualifications required to be ascertained in accordance with these rules, the power of appointment and the responsibility of selection are in all cases in the appointing officer. The power to remove (existing by law) on the part of any officer is not impaired by anything contained in these rules.

Rule XXV. Counties, Towns and Villages

These rules shall not apply to the officers of counties, towns or villages.

MATTER OF PARKER, POLICE COMMISSIONER
— DISAPPROVAL OF THE MAYOR'S ORDER
OF REMOVAL FROM OFFICE

STATE OF NEW YORK

Executive Chamber

Albany, July 12, 1897

*In the matter of the charges preferred against Andrew D. Parker
a Police Commissioner in the city of New York — Disapproval
of the Mayor's order of removal from office.*

THIS is a proceeding for the removal of Andrew D. Parker from the office of police commissioner of the city of New York. The proceeding was conducted before the Mayor, who decided that such removal should be made, and it was made, subject to the approval of the Governor.

The charge against Parker upon which he was tried was that he had neglected his official duties. I have carefully read all the testimony taken upon the trial and the briefs submitted by counsel. In my judgment the charge has not been sustained.

A review of the testimony here is neither necessary nor proper. That the efficiency of the police board could have been greater is undoubtedly true, but the failure to attain such efficiency seems to have been due rather to the infirmities of several of its members than to the neglect of one. The offense charged is serious, but the testi-

mony to support it is much of it trivial and as a whole insufficient.

A proceeding of such magnitude, whose effects must be far-reaching and harmful, should not be instituted unless evidence exists which is at least partially adequate to the gravity of the charge. I am unwilling to dissent from the conclusion of the Mayor, but I believe it is better for every interest to correct now an error which, if sanctioned here, would be finally righted by the courts.

I therefore disapprove of the Mayor's decision.

FRANK S. BLACK

APPOINTMENT OF AN EXTRAORDINARY
TERM OF THE APPELLATE DIVISION OF
THE SUPREME COURT, THIRD JUDICIAL
DEPARTMENT

STATE OF NEW YORK

Executive Chamber

IT APPEARING to my satisfaction that the public interest requires it;

Therefore in accordance with the statute in such case made and provided I do hereby appoint an Extraordinary Term of the Appellate Division of the Supreme Court for the Third Judicial Department, to be held at the courthouse in the city of Albany on Friday the twenty-second day of October, 1897 at 10 o'clock in the forenoon of that

day, and I do further direct that notice of this appointment of said court be given by publication of this order in the Albany Morning Express newspaper.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this nineteenth day of October in the year of
our Lord one thousand eight hundred and
ninety-seven

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

THANKSGIVING PROCLAMATION

STATE OF NEW YORK

Executive Chamber

The year now passing has been filled with occasions for thanksgiving. Commerce has flourished and all forms of industry have yielded reasonable returns. Charity and benevolence have been exercised and encouraged; the rights of citizenship respected, and the supremacy of the law maintained.

The manifold evidences of general prosperity give us courage for the present and hope and confidence for the future.

For these beneficent conditions we should acknowledge our gratitude to Almighty God.

WHEREFORE, I, Frank S. Black, Governor, do hereby designate Thursday, the twenty-fifth day of November instant, as a day of general thanksgiving among the people of the State, and I recommend that on that day they refrain from their ordinary pursuits and assemble at their accustomed places of worship and give devout acknowledgment to God for the blessings of this year. I also commend for that day special thoughtfulness for the poor and unfortunate. No higher form of worship could grace Thanksgiving Day than the exercise of a charity so generous and strong that it will continue unabated through all the year.

Done at the Capitol in the city of Albany
this eleventh day of November in the
[PRIVY SEAL] year of our Lord eighteen hundred and
ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

MATTER OF BACKUS, DISTRICT ATTORNEY
— ORDER DISMISSING CHARGES, AND
OPINION

STATE OF NEW YORK

Executive Chamber

*In the matter of the charges preferred against Foster L. Backus
the district attorney of the county of Kings — Order dismiss-
ing charges*

Charges of misconduct in office and neglect of duty having been heretofore preferred by Thomas C. Jenks against Foster L. Backus, the district attorney of the county of Kings, and a copy of said charges having been duly served upon the said Foster L. Backus, and he having filed his answer thereto denying any misconduct or neglect of duty, and it appearing to me that the public interest does not demand that further proceeding be had in this matter, therefore it is hereby

ORDERED, That the said charges against the said Foster L. Backus be and the same are hereby dismissed.

Given under my hand and the privy seal of the
State at the Capitol in the city of Albany the
[L S] ninth day of December in the year of our Lord
one thousand eight hundred and ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, December 9, 1897

*In the matter of the charges preferred against Foster L. Backus
the district attorney of the county of Kings — Opinion*

Thomas C. Jenks has preferred charges against Foster L. Backus, district attorney of the county of Kings, alleging in substance, that he has been guilty of neglect and violation of official duty. A copy of the charges was served upon the district attorney, and his answer thereto, in writing, has been filed, in which he denies the allegations of neglect or violation of duty made by the petitioner.

The complaint is in substance that the district attorney neglected or violated his official duty in not instituting criminal proceedings against the special deputy excise commissioner of Kings county, upon the charge that such commissioner had violated the liquor tax law in granting a certain liquor tax certificate in the county of Kings. The answer of the district attorney is verified, and is accompanied by the affidavit of the assistant district attorney, who had charge of liquor tax matters, also statements and affidavits by the special deputy excise commissioner, his counsel and others, from all of which it appears that there was a question whether the liquor tax certificate should have been granted, the claim being made that the place where the business was to be carried on was within two hundred feet of certain dwellings, whose

owners must have given their consent before a certificate could be issued, and that the necessary consents had not been obtained. The matter was brought to the attention of the special deputy excise commissioner, who caused an investigation to be made, from which he concluded that the necessary consents had been obtained, and that the liquor tax certificate was regularly issued. Considerable correspondence between the complainant and the officers interested in this matter has also been filed in connection with other papers. The district attorney declined to institute criminal proceedings against the special deputy excise commissioner.

From an examination of the whole matter it appears that the district attorney and the special deputy excise commissioner acted in good faith, and that no further investigation of the charges is necessary. The charges are therefore dismissed.

FRANK S. BLACK

APPOINTMENT OF AN EXTRAORDINARY
TRIAL TERM OF THE SUPREME COURT AT
RICHMOND

STATE OF NEW YORK

Executive Chamber

IT APPEARING to my satisfaction that the public interest requires it;

Therefore in accordance with the statute in such case made and provided I do hereby appoint an Extraordinary

Trial Term of the Supreme Court to be held at the courthouse in the village of Richmond and county of Richmond on Monday the seventeenth day of January next at ten o'clock in the forenoon of that day and to continue so long as may be necessary for the disposal of the business which may be brought before it; and I do hereby designate the

Honorable S. ALONZO KELLOGG,

of Plattsburg, who is a Justice of the Supreme Court of the Fourth Judicial District to hold the said Extraordinary Trial Term as hereinbefore described; and I do further direct that notice of such appointment be given by publication of this order once in each week for three successive weeks in the Richmond County Advance of West New Brighton and the Staten Island Times of Tottenville newspapers published in Richmond county.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this sixteenth day of December in the year
of our Lord one thousand eight hundred and
ninety seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

DESIGNATION OF JUSTICE VAN BRUNT AS
PRESIDING JUSTICE OF THE APPELLATE
DIVISION FOR THE FIRST DEPARTMENT

STATE OF NEW YORK

Executive Chamber

IN ACCORDANCE with section two of Article six, of the
Constitution the

Honorable CHARLES H. VAN BRUNT

of the city of New York, a Justice of the Supreme Court of
the First Judicial District is hereby designated as Pre-
siding Justice of the Appellate Division of the Supreme
Court in and for the First Judicial Department for and
during his term of office beginning on the first day of
January 1898.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany

[L s] this sixteenth day of December, in the year
of our Lord one thousand eight hundred and
ninety seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

DESIGNATION OF JUSTICE McLAUGHLIN AS
AN ASSOCIATE JUSTICE OF THE APPELLATE
DIVISION OF THE SUPREME COURT FOR
THE FIRST DEPARTMENT

STATE OF NEW YORK

Executive Chamber

IN ACCORDANCE with section two of Article six of the
Constitution the

Honorable CHESTER B. McLAUGHLIN

of the Village of Port Henry a Justice of the Supreme
Court of the Fourth Judicial District is hereby designated
as Associate Justice of the Appellate Division of the
Supreme Court in and for the First Judicial Department
for the term of five years from and after the first day of
January 1898.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L S] this sixteenth day of December in the year
of our Lord one thousand eight hundred and
ninety-seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

DESIGNATION OF JUSTICE BARTLETT AS AN
ASSOCIATE JUSTICE OF THE APPELLATE
DIVISION OF THE SUPREME COURT FOR
THE SECOND DEPARTMENT

STATE OF NEW YORK

Executive Chamber

IN ACCORDANCE with section two of Article six of the Constitution and the statute in such case made and provided the

Honorable WILLARD BARTLETT

of the county of Kings, who is a Justice of the Supreme Court of the Second Judicial District is hereby designated as an Associate Justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department for the term of five years from and after the first day of January 1898, his prior designation as such Associate Justice being about to expire.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this twentieth day of December in the year
of our Lord one thousand eight hundred and
ninety seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

DESIGNATION OF JUSTICE WOODWARD AS
AN ASSOCIATE JUSTICE OF THE APPELLATE
DIVISION OF THE SUPREME COURT FOR
THE SECOND DEPARTMENT

STATE OF NEW YORK

Executive Chamber

IN ACCORDANCE with section two of Article six of the
Constitution and the statute in such case made and pro-
vided the

Honorable JOHN WOODWARD

of the County of Chautauqua who is a Justice of the
Supreme Court of the Eighth Judicial District is hereby
designated as an Associate Justice of the Appellate Divi-
sion of the Supreme Court in and for the Second Judicial
Department for the term of five years from and after the
first day of January 1898, to succeed the Honorable
George B. Bradley whose term of office is about to expire.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this twentieth day of December in the year
of our Lord one thousand eight hundred and
ninety seven.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

ASSIGNMENT OF JUSTICE DYKMAN TO DUTY IN THE SUPREME COURT

STATE OF NEW YORK

Executive Chamber

WHEREAS the term of office of the Honorable Jackson O. Dykman as Justice of the Supreme Court in and for the Second Judicial district having been abridged on the thirty first day of December 1896 by the limitation of age prescribed by section 12 of article VI of the Constitution and he prior to said date having served ten years as such Justice and having thereby become entitled to receive the compensation established by law for the remainder of the term for which he was elected, to wit until the thirty first day of December 1903, which said compensation is now being received by him; and

Whereas he having consented to be assigned by the Governor to any duty in the Supreme Court while his compensation is so continued, and it appearing to my satisfaction that the public interest requires it;

Therefore by virtue of the power conferred upon me by section 12 of article VI of the Constitution and upon filing his written consent thereto, I do hereby appoint the

Honorable JACKSON O. DYKMAN

to any duty in the Supreme Court which he might lawfully have performed if his term of office had not been

abridged as aforesaid, for and during the term ending December 31, 1898.

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this thirty first day of December in the year of our Lord one thousand eight hundred and ninety seven.

FRANK S. BLACK

By the Governor:

GEORGE CURTIS TREADWELL,

Acting Private Secretary

ASSIGNMENT OF JUSTICE BARNARD TO DUTY IN THE SUPREME COURT

STATE OF NEW YORK

Executive Chamber

WHEREAS the term of office of the Honorable Joseph F. Barnard as Justice of the Supreme Court in and for the Second Judicial District having been abridged by the limitation of age prescribed by section 12 of article VI of the Constitution and he prior to said date having served ten years as such Justice, and having thereby become entitled to receive the compensation established by law for the remainder of the term for which he was elected, to wit until the thirty first day of December

1899, which said compensation is now being received by him and

Whereas he having consented to be assigned by the Governor to any duty in the Supreme Court while his compensation is so continued and it appearing to my satisfaction that the public interest requires it;

Therefore by virtue of the power conferred upon me by section 12 of Article VI of the Constitution and upon filing his written consent thereto, I do hereby appoint the

Honorable JOSEPH F. BARNARD

to any duty in the Supreme Court which he might lawfully have performed if his term of office had not been abridged as aforesaid, for and during the term ending December 31, 1898.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this thirty first day of December in the year
of our Lord one thousand eight hundred and
ninety-seven.

FRANK S. BLACK

By the Governor:

GEORGE CURTIS TREADWELL

Acting Private Secretary

STATEMENT OF PARDONS,
COMMUTATIONS OF SENTENCE, AND REPRIEVES

GRANTED BY

FRANK S. BLACK, GOVERNOR,

DURING THE YEAR 1897



PARDONS

January 28, 1897. Oscar Sheffield. Sentenced April 17, 1896; county, Kings; crime, forgery, second degree; term, one year; prison, Kings County Penitentiary.

March 30, 1897. Hiram Dudgeon. Sentenced June 19, 1896; county, Chenango; crime, arson, third degree; term, one year and six months; prison, Auburn.

June 4, 1897. John Baumert. Sentenced May 18, 1896; county, Herkimer; crime, forgery, second degree; term, two years and six months; prison, Auburn.

June 4, 1897. Edward Ryan. Sentenced October 21, 1896; county, Monroe; crime, grand larceny, second degree; term, one year; prison, Monroe County Penitentiary.

June 4, 1897. James O'Grady. Sentenced March 17, 1896; county, Erie; crime, attempt to commit rape; term, two years and nine months; prison, Erie County Penitentiary.

June 9, 1897. Joseph Mintz. Sentenced August 9, 1894; county, New York; crime, sodomy; term, five years and two months; prison, New York Penitentiary.

June 9, 1897. Edwin Renner. Sentenced January 30, 1896; county, Monroe; crime, grand larceny, second degree; maximum term, five years; prison, State Reformatory.

June 9, 1897. Edwin Ellis. Sentenced January 27, 1897; county, Yates; crime, bigamy; term, one year and six months; prison, Auburn.

June 9, 1897. Arthur W. Herring. Sentenced December 4, 1896; county, Erie; crime, rape, second degree; term, one year; prison, Erie County Penitentiary.

July 6, 1897. Edward J. Mulligan. Sentenced July 13, 1894; county, New York; crime, forgery, second degree; term, four years; prison, Sing Sing.

July 9, 1897. William Purcell. Sentenced May 8, 1893; county, New York; crime, manslaughter, first degree; term, eleven years and one month; prison, Sing Sing.

July 9, 1897. Joseph Semlik. Sentenced February 13, 1896; county, Onondaga; crime, burglary, third degree; term, two years and nine months; prison, Onondaga County Penitentiary.

July 14, 1897. Charles Heagens. Sentenced June 26, 1897; county, Chautauqua; crime, petit larceny; term, ninety days; prison, Chautauqua County Jail.

September 17, 1897. George C. Brogus. Sentenced August 25, 1893; county, New York; crime, grand larceny, second degree; maximum term, five years; prison, State Reformatory; transferred to Auburn.

September 17, 1897. Edward R. Folsom. Sentenced October 1, 1894; county, Steuben; crimes, forgery, second degree, and burglary, third degree; term, ten years; prison, Auburn.

September 17, 1897. Otto Wissler. Sentenced November 22, 1894; county, New York; crime, grand larceny, second degree; maximum term, five years; prison, State Reformatory.

September 17, 1897. George A. Clark. Sentenced December 4, 1896; county, Chemung; crime, forgery, second degree; term, minimum, one year; maximum, three years and nine months; prison, Auburn.

September 17, 1897. Peter Toppenberg. Sentenced February 9, 1894; county, New York; crime, grand larceny, second degree; maximum term, five years; prison, State Reformatory; transferred to Auburn.

September 20, 1897. John Farrell. Sentenced April 26, 1895; county, Oneida; crimes, burglary and grand larceny; term, five years and eight months; prison, Auburn.

September 20, 1897. Joseph Thornton. Sentenced June 26, 1895; county, Oneida; crimes, burglary and grand larceny; term, fifteen years and eight months; prison, Auburn.

September 20, 1897. Thomas Murray. Sentenced April 26, 1895; county, Oneida; crimes, burglary and grand larceny; term, nine years and one month; prison, Auburn.

September 20, 1897. James Grant. Sentenced February 10, 1896; county, Monroe; crime, burglary, third degree; maximum term, five years; prison, State Reformatory.

September 21, 1897. Erie O. Van Brocklin. Sentenced September 15, 1893; county, Erie; crimes, forgery and grand larceny; term, eight years and five months; prison, Auburn.

October 26, 1897. James Genovese. Sentenced April 15, 1897; county, New York; crime, assault, second degree; maximum term, five years; prison, State Reformatory.

November 4, 1897. Owen Rafity. Sentenced September 9, 1897; county, Oswego; crime, being a tramp; term, six months; prison, Onondaga County Penitentiary.

November 8, 1897. Max Cohen. Sentenced January 2, 1897; county, New York; crime, burglary, third degree; maximum term, five years; prison, State Reformatory.

November 10, 1897. Frank Kennedy. Sentenced March 17, 1896; county, Erie; crime, rape; term, two years and nine months; prison, Erie County Penitentiary.

November 12, 1897. Arthur Meyer. Sentenced February 9, 1894; county, New York; crime, attempt to commit forgery, second degree; maximum term, five years; prison, State Reformatory; transferred to Auburn.

November 12, 1897. Albert W. Nelson. Sentenced March 3, 1897; county, Westchester; crime, burglary, third degree; maximum term, five years; prison, State Reformatory.

November 12, 1897. Mark Fagan. Sentenced November 26, 1894; county, New York; crime, manslaughter, first degree; term, eight years and seven months; prison, Sing Sing.

November 22, 1897. Louis M. Cahill. Sentenced June 27, 1895; county, New York; crime, grand larceny, first degree; term, four years; prison, New York Penitentiary.

November 26, 1897. Albert Schmalzbach. Sentenced October 28, 1896; county, New York; crime, attempt to commit forgery, second degree; maximum term, five years; prison, State Reformatory.

November 29, 1897. Charles A. Pender. Sentenced September 23, 1895; county, Suffolk; crime, burglary, third degree; maximum term, five years; prison, State Reformatory.

November 29, 1897. Daniel T. Donovan. Sentenced May 19, 1884; county, New York; crime, murder, second degree; term, life; prison, Sing Sing.

November 29, 1897. Lewis Lapan. Sentenced November 24, 1893; county, Clinton; crime, manslaughter, first degree; term, ten years; prison, Clinton.

December 1, 1897. Thomas J. McCabe. Sentenced February 20, 1888; county, New York; crime, robbery, first degree; term, twenty years; prison, Sing Sing.

December 1, 1897. Giuseppe Rosano. Sentenced September 18, 1895; county, New York; crime, grand larceny, second degree; maximum term, five years; prison, State Reformatory.

December 8, 1897. Robert H. Waldron. Sentenced July 24, 1896; county, New York; crime, forgery, second degree; term, two years and six months; prison, Sing Sing.

December 8, 1897. John Horning. Sentenced December 13, 1893; county, New York; crime, grand larceny, second degree; maximum term, five years; prison, State Reformatory; transferred to Auburn.

December 8, 1897. Joe Perotta. Sentenced May 24, 1889; county, Orange; crime, manslaughter, first degree; term, twenty years; prison, Sing Sing.

December 9, 1897. Albert H. Smith. Sentenced December 3, 1890; county, New York; crime, forgery, first degree; term, seventeen years; prison, Sing Sing.

December 16, 1897. Martin Keliher, alias Bertram M. Devowne. Sentenced December 10, 1897; county, Herkimer; crime, burglary, third degree; term, three years; prison, Auburn.

December 29, 1897. John B. Kramer. Sentenced May 1, 1897; county, Monroe; crime, grand larceny, second degree; maximum term, five years; prison, State Reformatory.

December 30, 1897. George E. Duvall. Sentenced June 5, 1893; county, Suffolk; crime, forgery, first degree; maximum term, twenty years; prison, State Reformatory.

December 30, 1897. Herman Branze. Sentenced June 29, 1892; county, New York; crime, grand larceny, first degree; term, twelve years and six months; prison, Sing Sing.

December 31, 1897. Theodore S. Whitmore. Sentenced September 23, 1896; county, Rensselaer; crime, robbery, first degree; term, two years and seven months; prison, Clinton.

COMMUTATIONS

March 10, 1897. William Youngs. Sentenced February 17, 1896, to be executed; county, Montgomery; crime, murder, first degree.

Commutated to imprisonment for life.

June 16, 1897. John F. Hutchins. Sentenced October 26, 1893; county, Monroe; crime, rape; term, twelve years; prison, Auburn.

Commutated to five years and one month, subject to legal deduction for good conduct.

June 24, 1897. James G. Reid. Sentenced July 16, 1896; county, New York; crime, perjury; term, two years and two months; prison, Sing Sing.

Commutated to one year and six months, subject to legal deduction for good conduct.

June 28, 1897. Frank Lytle. Sentenced November 11, 1895; county, Monroe; crime, burglary, third degree; term, four years and nine months; prison, Auburn.

Commutated to eleven months and twenty days, from July 9, 1896.

September 27, 1897. Henry Cassin. Sentenced October 29, 1890; county, New York; crime, grand larceny, first degree; term, nine years; prison, Sing Sing.

Commutated to eight years from December 2, 1892, subject to legal deduction for good conduct.

September 27, 1897. Nathan Goldberg. Sentenced June 19, 1895; county, Westchester; crime, arson; term, five years and six months; prison, Sing Sing.

Commutated to four years and six months, subject to legal deduction for good conduct.

December 8, 1897. Thomas Gallagher. Sentenced December 10, 1883; county, Washington; crime, murder, second degree; term, life; prison, Clinton.

Commutated to fourteen years, actual time.

December 30, 1897. John McDermott. Sentenced February 5, 1892; county, Orange; crime, robbery, first degree; term, fifteen years; prison, Sing Sing.

Commutated to ten years, subject to legal deduction for good conduct.

December 31, 1897. Edward Hughson. Sentenced October 27, 1896, to be executed; county, Albany; crime, murder, first degree.

Commutated to imprisonment for life.

RESPITE

November 10, 1897. Charles Burgess. Sentenced April 4, 1896, to be executed; county, Cayuga; crime, murder, first degree.

Respite until December 7, 1897.

STATE OF NEW YORK.

PUBLIC PAPERS

OF

FRANK S. BLACK

GOVERNOR

1897-1898

TWO VOLUMES IN ONE

VOL. II

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1898

...



PUBLIC PAPERS
OF
GOVERNOR BLACK
For 1898.

DESIGNATION OF PRESIDING JUDGE OF THE
COURT OF CLAIMS

STATE OF NEW YORK

Executive Chamber

PURSUANT to the provisions of section 263 of the Code of Civil Procedure and the power in me vested, I do hereby designate the

Honorable CHARLES T. SAXTON

of Clyde, who is a Judge of the Court of Claims, as Presiding Judge of said Court of Claims for the term ending December thirty-first 1903.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L S] this first day of January in the year of our
Lord one thousand eight hundred and ninety-
eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

ANNUAL MESSAGE

STATE OF NEW YORK

Executive Chamber

Albany, January 5, 1898

TO THE LEGISLATURE:

The course of the Legislature now convened will affect in many important respects, for a long time to come, the policy of the State. I submit the suggestions in this message, not only as formal recommendations, but as the expression of an active purpose to aid in carrying them out.

FINANCE

The valuation of the State is \$4,506,985,694. The State tax for the present year is two dollars and sixty-seven cents on a thousand dollars. This rate produces the sum of \$12,033,681.80. Of this amount more than nine million dollars are paid to run the public schools and for the care of the insane. The last subject was placed under State control in the year 1895, so that the tax rate prior to that year was smaller than it can possibly be now or hereafter, and is worthless as a comparison with the rate of later administrations, which have dealt with these large expenditures. Last year's tax rate can be reduced this year, because the amounts to complete the Capitol and buy Adirondack land will be less. The

receipts from licenses to sell liquor, tax on inheritance, etc., were \$8,245,172.87, an excess over last year of \$314,944.21. The expenditures for asylums, hospitals, reformatories, etc., were \$7,362,559.85. The total funded debt of the State on September 30th was \$5,765,660. During the year just passed, the revenue from the liquor tax law has increased more than \$438,000.

BANKING

There are two hundred and twelve banks of discount organized under the State law. Last year there were two hundred and thirteen. The resources of these institutions have gained in twelve months over fifty-five million dollars; more than twenty per cent. Their discounts and deposits have both increased, the latter nearly forty-three million dollars. The magnitude of the banking department appears in the total resources of the institutions under its charge, viz., \$1,695,254,960, an increase of more than one hundred and thirty-seven million dollars since the report a year ago.

The condition of any business community is likely to show at the bank. For that reason the figures named express both improvement for last year and encouragement for next.

INSURANCE

The insurance companies, including fire, marine, life and casualty, doing business in New York, are two hundred and twenty-eight in number, and represent a capital

of \$77,820,975, with a surplus of \$265,390,505. Their condition appears to be most satisfactory. The insurance business is rapidly increasing. The labors of the insurance department during the year 1897 largely exceeded those of any year preceding. The importance of a careful supervision of an enterprise so enormous and far reaching is apparent. Nearly every house-holder in the State is an investor in one or more of these companies, and all the laws relating to the subject should be carefully framed and considered, to the end that the companies and the people, mutually dependent, shall be guaranteed their respective rights.

RAILROADS

The Law passed by the last Legislature relating to grade crossings, will ultimately remove this prolific source of railroad fatalities. The operation of the Law will require a considerable annual outlay by the State, but it should be made. The railroad mileage for last year has slightly increased. The number of miles is now over nine thousand, and the reports of the Railroad Commission show that the business during the past few months is largely in excess of that for the same months last year.

CANALS

The work of deepening the canals, for which an appropriation of nine million dollars was made, cannot be completed for that sum. The amount has been disposed of by payment or contract, and less than two-thirds of

the intended improvement has been provided for. Completing the work is the last half of the same project that begun it. It is a subject of the utmost importance. The canals have been a potent factor in the development of the State. The Erie canal was completed in 1825, and over it for more than seventy years the enormous traffic of the west has found its way to the Atlantic seaboard. The cost of building all the canals, of maintaining them since, and enlarging them now, is upwards of \$97,628,-867.45, and yet the commerce passing over them paid that enormous amount in tolls in less than sixty years. The canal problem is too serious to be decided by the Legislature. The nine million dollar appropriation was voted by the people. If a further sum is to be expended for the continuance of the work, it also should first receive the people's sanction.

EXCISE

The amount received during the past year from the operation of the Excise Law was \$12,275,247.60. One-third of this amount, over \$4,000,000, has been paid the State, and the other two-thirds, over \$8,000,000, has been divided among different localities. On the 1st day of October there were 28,054 licenses outstanding. The number in force before the present law went into effect was 33,437 and the amount of money received therefrom was \$3,172,376.58, hardly more than one-quarter of the present income from the same source. The receipts have

nearly quadrupled and the number of licenses has decreased almost one-sixth. The records of the police courts in forty-one cities and four hundred and thirty incorporated villages, show that notwithstanding an increase in population, the cases of drunkenness have fallen off to a marked degree. The uniform law and rate of taxation throughout the State have done much to equalize the privileges of this traffic and to remove many of its objectionable features. If amendments are proposed which will improve the present act, I shall favor their adoption.

AGRICULTURE

The appropriations for this department have been wisely made. The item which has proved the most satisfactory was that to encourage the cultivation of the sugar beet. This industry is now largely experimental, but the results attained this year were such as to justify the liberal co-operation of the State. Inducements to farming in New York are not as great as they formerly were. The development of the west has gradually trenched upon the lucrative employments of the eastern farmers, until their incomes are small and uncertain, and their burdens almost oppressive. The farmer can never escape his taxes; whatever means of escape may be open to others are closed to him. And in the distribution of the load, this fact should be borne in mind, and the Legislature should so treat him as not only to encourage his industry, but

to show also that the State is mindful that he, least of all among its citizens, finds exemption from the burden of taxation.

COMMERCE

I have been so impressed by this subject, in its relation to the State, that I communicate with you, not only for your co-operation, but in the hope of arousing the attention of those most closely in touch with the question and, therefore, best qualified to handle it. No man can contemplate the past history of New York without feelings of pride. Surrounded at the beginning like her sister commonwealths, with conditions which seemed almost without hope, she has in a few years attained the dimensions of an empire. This transformation has been wrought through the unexampled gifts of Nature, and the industry and skill of citizens protected by a wise and just government. If these reflections inspire pride only, without determination, their main value is lost. An inspiration that produces no result, is no better than an agreeable recollection. There must be some practical test of the effect of former achievements upon our present energy. This test will be found in the manner in which the people of this State deal with the subject of their commerce in its present situation. That situation is not as it ought to be. It is easily the best in the country, but it is not so much the best as it has been and can be made. The commerce of New York is not increasing as rapidly as that of other ports. Perhaps this is inevitable, for

the first of yesterday may be the second to-day, and out of the race to-morrow. But it is not likely that New York is suffering from conditions which she cannot overcome. The conditions which hold her back seem to be neither natural nor general. It is said that the commerce tributary to New York city has been checked and discouraged by a too narrow policy prevailing there with reference to terminal facilities. If this is true, that policy should be corrected, no matter whether it is pursued by the city or by individuals. The facilities of New York belong not to the city or even to the State, but to the country. If by location she is the best point of shipment to foreign markets for western farmers, then her advantages should be open no more to a Broadway merchant than to a Kansas farmer. And the rights of the latter should not be abridged by restrictions or charges which would drive him to Galveston or New Orleans. Every citizen in this country has a right to get to the sea with his product, no matter whether he lives on the coast or not, and he should not be subjected when there, to unreasonable demands from those who have accommodations which he is obliged to employ. Some communities are so placed that their course not only interests, but largely affects others. To the extent in which this is true, just to that extent has the public the right to advise and direct those so situated. New York city is in this class. Her affairs are not local, but national, and this view receives constant recognition at the hands

of the general government. Millions of money from the general treasury have been expended in New York with national sanction, and millions more should be expended now in the single project of deepening the approaches to her harbor. But this national aspect cannot be urged when her benefits are considered and denied when others claim theirs. This State should open such facilities in New York harbor as will draw and accommodate every pound of commerce which would naturally come there. The desire on the part of individuals or of the city, for rapid accumulations should not prevent this result. The broadest and most liberal policy is the wisest. An outlay for such a purpose would be repaid ten-fold in pecuniary returns and in the growth and prestige of the State. Neglect or carelessness in dealing with this subject would put New York at a disadvantage with other ports in the United States, and might put the whole country at a disadvantage with Canada. The Canadians are just now discussing this subject, and are relying upon advantages afforded by the St. Lawrence river, to attract over that stream, the products of Wisconsin, Minnesota, Dakota and other western States, intended for foreign markets. This competition should be feared and met.

In order that this subject may be treated with that consideration and care which its magnitude demands, I recommend that a commission be created to examine into the commerce of New York, the cause of its decline, the means of its revival, and to report conclusions.

THE CAPITOL

The plans of the Capitol at Albany have been changed so often they would hardly be recognized by the man who made them, nearly forty years ago. The last change was made and the present plans adopted by the Capitol Commission, February 11, 1896. There will be no further alteration. The structure will be completed, the sheds torn down and the walks laid out, before the first day of next October. There has not been a time in the last fifteen years that reasonable effort would not have accomplished these things in twenty-four months.

THE NATIONAL GUARD

The National Guard still maintains the character which has long entitled it to general commendation. It would be better if it was removed farther from political control. If some practical method of doing this can be devised, which meets the approval of military men, I shall recommend it. The Guard and Naval Militia consist of about fourteen thousand of the finest young men of the State. They serve without pay, and their reasonable demands should be complied with. .

SCHOOLS

The schools of this State are unsurpassed by those of any other. We should not be satisfied with a system because it is the best in use, unless it is the best that can be devised. There is little hope that public money will

ever be prudently expended, but if that improbable result should ever be attained I should still be in favor, as I am now, of the greatest liberality in school appropriations. The character of the citizen is largely formed in his childhood, and if more were confined in schoolhouses in their youth, there would be fewer confined in other institutions in later life. The right of the State to compel the education of its children is as clear as its duty to protect or punish its citizens. We are spending millions of dollars every year for paupers, criminals and the insane. Whatever will reduce the number of these unfortunate classes should be done, and the means more effective than all others, is the instruction of children. The number of pupils in the public schools this year is 1,203,199, an increase of 27,125 over last year. To maintain these schools the State appropriated \$4,981,858 last year, and will be called upon for as much more this. Attendance at school, if not voluntary, should be compelled, for this enormous expenditure should be not only a recognition of the duty of the State to educate its citizens, but a declaration of its right to control them.

UNIVERSITY OF THE STATE

New York has in her university an organization nearly as old as the State itself. Its work has established its reputation at home and abroad. Those who plan for the future of the State know that its greatness will depend no less upon its educational interests than upon

its material prosperity. All admit the value of elementary education, but many fail to understand that higher education pays equally as well. The common school draws mainly from the State, but for higher institutions the field is boundless. Those who spend years in arduous training seek not the cheapest or the nearest, but the best, and if New York's schools are at the head they will be sought by students from other States. The recent administration of the University knows the method of reaching desired results. Under it, new currents are setting toward New York. Its field is broadening every year. The best educators believe that system is nearest perfect, whose instruction does not end with the period of youth, but continues through the student's life. The library is a chief agency in this continuance. New York, the pioneer in many fields, was the first in this or any country to recognize by statute the efficiency of the public library as a part of its educational plan. We have over five hundred traveling libraries of the best books published. They are loaned for six months to any community requesting them. Other States have adopted this part of our system. Knowledge gained from good books means increased power and better citizenship. The University has seen and developed this idea. Its progress has been rapid, its influence beneficent and lasting. Local free public libraries are springing up under its lead. In the last four years the number of libraries has increased from 201 to

340, and the books from 404,616 to 1,038,618. There is careful discrimination in favor of the best books; for reading produces evil as well as good results. It is a ladder which may be used to climb to the summit or descend to the pit. Thousands of doubtful books are yearly disapproved and local authorities are glad to accept the University's intelligent supervision. No State has before dealt with this question on so broad a plane. Our State Library is by far the largest and most efficient maintained by any State. It is the center of a great work, the strongest ally of the public schools, and its influence develops constantly. New York has been the teacher in these vital, new ideas and has received, the world over, most generous recognition. Its place in this important field is that of acknowledged leadership.

CHARITIES

There are more than 1,000 charitable institutions and private charitable organizations in this State. About 70,000 people are cared for at an expense of over \$20,000,000. There are twenty-two institutions wholly or partly maintained at the public expense. It is proper and humane to care for the incompetent poor, but there has been sometimes a degree of extravagance in this direction which should never be tolerated again. Some institutions have been constructed at a cost of over \$1,000 for each inmate. Such an expenditure should not discourage the humane purpose of the State, but it should

be the last example of the reckless indifference sometimes shown by public officials to the rights of the State and their own obligations.

THE INSANE

All of the dependent insane are now cared for in State hospitals. They receive skillful medical treatment and proper nursing. Nearly 1,000 returned to their homes last year, cured, and more than 800 were sufficiently improved to warrant their discharge. The chief object of these institutions should be, both from the standpoint of benevolence and economy, to effect the largest possible number of cures. The annual cost of maintenance, \$186 for each patient, seems high, and perhaps might be reduced, but if this cost were reduced the facilities supplied must also be curtailed. This would probably cause a decrease in the percentage of cures. There would be nothing made by a smaller expense for each patient, if the number of patients was increased enough to offset the saving. If the cost of maintenance can be reduced without materially affecting the number of recoveries, it should be done, for the amount, almost \$5,000,000 paid yearly for insane paupers, is a large figure to be added to the taxes.

The condition of some of the asylums around the city of New York should be corrected. They are not suitable for the habitation of large numbers. Imperfect ventilation and drainage render them unhealthy, while their

frail construction is insufficient either to keep out the cold or withstand for a minute the ravages of fire. There are two extremes in this State in the care of the insane. One is so extravagant and the other so poor that both deserve censure. The State is paying every dollar it ought for its pauper insane. Money enough has been expended to provide comfortable quarters for every inmate, but waste in some places and neglect in others, have produced the extremes I describe. The first cannot be corrected, for the outlay is made, but the last can and ought to be without delay. All the money to be paid out for new buildings should be devoted for some time to come to the institutions around New York city, and the amount thus expended should be increased to the utmost limit by keeping the expenses of other institutions, now well provided for, down to the smallest figure. Whatever structures are built, should be comfortable and substantial, nothing more, and the practice of erecting palaces at the public expense for the accommodation of paupers has, I hope, seen its last example.

A pauper is not, because of his insanity, entitled to extravagant fare or gorgeous surroundings. The large majority of farmers and mechanics live in the humblest way and contribute by tax to the support of State institutions. Justice to them will not permit, and humanity to the insane does not require, that lavish and ill-considered outlay which characterizes the quarters holding some of the State's insane.

I do not consider the present commission in any way responsible for this condition. I have visited some of the insane establishments and their management is worthy of commendation, but I would enjoin upon such management the constant recollection that the expenses of these inmates are paid by many thousands on the outside whose surroundings are far less comfortable.

PRISONS

The difficult task of providing work for prisoners without competing with honest labor, appears to have been successfully discharged. The operation of the present law is reported to be satisfactory. Nearly two-thirds of the convicts in the State's prisons are now employed, and within three months the commission expects that means will be provided to employ all those who are able to work. It seems likely that the present law will solve the question of convict labor, and at the same time render the prisons self-supporting.

One defect connected with prison management has been often discussed, but never corrected. It is the law relating to the Elmira Reformatory. The authority of the managers there over inmates is too arbitrary and extensive. The courts often find that sentences intended to be slight, are prolonged for years. A boy can be retained in that institution at the managers' discretion, for the maximum term for which he might have been sent to State's prison by the court. The judge imposing the

sentence may never have contemplated any such duration. It not infrequently happens that boys committing their first offense jointly with and tempted by an old offender, are sent to Elmira and kept there for years after their associate in the same offense, a hardened criminal, has been discharged from prison. The managers have power also to transfer inmates to the State's prison for their unexpired terms; to bring them back again to the reformatory; to release them on parole and retake them at discretion. This system may result in gross abuse. A prisoner's term should not depend upon the will of his keeper. The court should fix it. The court will be impartial, the keeper may not be. The court will punish only for the crime already done, the keeper may punish for slighter causes arising afterwards.

It is just to reduce the term for the good behavior of the convict, but the limit beyond which his confinement should not go, should be determined by the judge who tried him.

LABOR

The upheavals so often occurring through the disagreements of labor and its employers, point to a far greater degree of danger and discontent than those upheavals expose. The present method of dealing with this subject seems to me inadequate. The labor bureaus in this State are as efficient as their authority permits them to be, but an agency that only corrects, but does not prevent cannot meet the needs of the present day, and

will be farther every year from meeting the needs of the future. If present conditions continue, disputes will frequently arise, and I believe it would be wise to encourage the method of University Settlement. No man can be a fair judge who does not understand both sides, and while he may acquire this understanding after the trouble has arisen, his capacity to effect a settlement is greatly reduced because of the inflammation which invariably goes with a declared grievance. It is not only harder to settle a dispute when opponents have come face to face, but in the case of labor troubles, large sums of money are lost, while the dispute goes on. The plan of University Settlement is not so much to compose differences, as to prevent their occurrence. Its wisdom is obvious.

But the seed of labor troubles lies in the practically unrestricted immigration, by which this country allows itself to be overrun. There is no safety in protection against foreign goods if we allow free trade in foreign labor. A tariff on goods made abroad covers only half the difficulty if the men who made them there are permitted to come here and make the same goods in New York. An article made for half a dollar there, will be made for the same price here. Those who have watched the recent troubles in this country will recall that many of them were with cheap and uneducated labor, employed because it was cheap and uneducated, and for wages with which no self-respecting American could keep his soul

and body together. As long as such labor comes here, just so long wages will go down, work will be scarce, and those who must have decent wages because they must live in a decent way, will find employment hard to get.

If the laboring people of this State will understand the real cause of their trouble, and remove that, they will have less need of legislation. They should make their views known to Congress through their own petitions, and the Legislature should aid them by its expression. If, through their efforts, one of the greatest abuses now existing in the United States could be checked, they would perform a lasting service.

In connection with this labor problem, I make these three suggestions: First, that immigration be checked; second, that a fair rate of wages be paid laborers; the public at least should deal justly; third, that in opposing strikes by armed men, some method should be adopted which would not at the first discharge of firearms, produce those fatal, tragic results which have caused a recent event to be universally deplored.

THE FORESTS

The project urged in my first message, of acquiring Adirondack lands, has been fully entered upon. I am strongly in favor of its continuance. With the appropriation of a million dollars made by the last Legislature, the Forest Preserve Board has acquired over two hun-

dred and fifty thousand acres, at an average cost of \$3.74 per acre, increasing the ownership of the State from 869,341 acres to nearly a million one hundred and twenty thousand. Many tracts of ground most desirable from every point of view have been added to the State's possessions.

I am more than ever impressed with the importance of this subject, and of the necessity of the State's acquiring and preserving the great forests. I referred last year to their value as a health resort and as a means of renewing the decreasing supply of water. There are other considerations not less important than those then urged. They are found in the rapidly diminishing supply of timber, and in the great demands made upon the spruce forests by the pulp mills of the Adirondack region. The present Constitution of the State prohibits cutting timber on State lands. This prohibition will sometime be changed, for its continuance, except under conditions which ought not long to exist, would be unwise. It is no better for the State than for an individual to allow trees to fall and decay, when by cutting them substantial revenue might be obtained. The science of forestry has demonstrated that trees of a certain age and maturity can be cut, not to the detriment, but to the advantage of those remaining. The life of a tree is measured, and whether it is removed by man or falls by its own weight, its destruction is certain. If removed and sold, the price

goes to the owner, the process supplies work to the laborer and the lumber supplies a need which is harder every year to fill. On the other hand, if the tree falls by itself, mankind receives no benefit, but the small trees around it that are crushed and bent, are destroyed, when they might be saved if immediately relieved from its weight.

Nearly every product springing from the earth can be gathered and Nature will renew the supply. Trees are no exception. Forests of spruce and pine can be cut over at intervals varying with conditions. The remaining smaller trees will grow faster because the larger ones are removed. This process not only yields revenue and improves the forests, but it greatly increases the quantity of timber which the forests will produce. In the Adirondacks I understand that the yield of spruce timber to the acre is now about twenty-five hundred feet, while in forests that have been cared for, where the cutting has been judiciously done, the yield is from thirty to forty thousand feet to the acre; from twelve to sixteen times as much. This larger yield from the cultivated forests occurs at intervals of comparatively few years in length, while in the Adirondacks, neglected and misused, a single crop seems to have been considered the end.

The supply demanded by the pulp mills is another great consideration. Many millions of dollars are invested in the ninety-one mills of this State. Spruce trees in enor-

mous quantities are required to supply them. The pulp industry as well as the lumber trade should be protected. These two industries confer benefits which reach as far as any other industry now carried on. The pulp goes into paper, the lumber into houses, and all our population feels in some way the contribution of those two trades. Thousands of men are employed in the Adirondacks who earn their living in these vocations. The process of State acquisition should go on, not only because the needs of all the people are greater than the needs of any, but because a wise pursuit of this policy will be followed by pronounced benefits to the State, to the industries I have named and to those people feeding upon them. In Germany and France, and I understand to some extent in New Hampshire, scientific forestry has long been followed. The results have been productive beyond the comprehension of those people who, in this State, have stood by and without effort or protest, seen their magnificent forests gradually swept away. The Constitution should not be amended until the people have learned prudence instead of waste and have equipped themselves with knowledge and experience adequate to the care of this great domain. Our conditions here are not like those in Germany or France, but in what respects they differ few can tell.

There are students here who have made a careful study of the forests, their capacities and needs. The number of

these gentlemen I understand to be increasing, for through the labors of several of our citizens of great generosity and public spirit, the subject has been studied and discussed, and upon the general ignorance relating to this question there is beginning to be some light. The knowledge necessary to the proper treatment of the woods, must come largely through experiment. It cannot be had unless the means of acquiring it are provided. I believe the means can be secured best through the purchase by the State of a tract of ground covered with those trees which are to be the subject of experiment. Such a tract the State could set apart and gain from it the knowledge which will enable it by and by to deal with the millions of acres it has already and will in the meantime acquire. The time will come when the State will sell timber to the lumbermen, spruce to the pulp mills, reap a large revenue for itself and still retain the woods, open to the public, protecting the sources of water, growing and yielding under intelligent cultivation. The management of this experiment should not be subject to the vicissitudes of politics. It should be placed in charge of the Regents or of the trustees of Cornell University or of some similar body not subject to political change. The State should pay such reasonable sum as may be needed to administer the plan. Reports should be made to the Governor and the Legislature annually of progress and results. The income from the tract so acquired should

be paid to the State and the land itself should become the absolute property of the State, and a part of the forest preserve, at the expiration of a period named.

I believe such a plan would be soon, if not at once, self-sustaining, for the trees now ready to be cut would produce immediate revenue, and such revenue would be repeated at short intervals. The benefits could be hardly over-stated, and in this direction, as in many others, the wisdom of New York entering upon a comparatively new and untried field, would be finally approved.

CIVIL SERVICE

The law enacted last year, known as the Lexow bill, is the best civil service law this State ever had. It is a distinct gain over previous laws in the direction which the best friends of the service most desire. The information of the public upon the subject of civil service reform is more imperfect than that upon any other subject so generally discussed. Most men are for or against it with reasons and information so slight that their opinions are of little value. There is nothing in the new law and there was nothing in the old, to prevent removals with or without cause. There was no restriction under either. Places could also be filled regardless of the law if those employed to administer, chose to nullify. The same opportunity exists now, but in a less degree. Some who are unfamiliar with the subject fear that under the present law some injury may be done to the public service in

New York city. Such fear has no basis, for three reasons. First: A large number of officers appointed three years ago, and whose places will be filled again now, belong to the class which has never been controlled by any so-called civil service law. Heads of departments, deputies, secretaries, stenographers, and all others holding relations of confidence or peculiar responsibility, have always been exempted under every law. Second: Because it is harder to cheat the new law than the old, and third: Because a majority of the employes of New York city are the creations of the same political forces that have just returned to power and such employes have never been removed. It certainly was no fault of the new law, that over fifteen thousand whom Tammany Hall left in office three years ago, at the time of her inglorious departure, she finds still there on her triumphant return. I mention this last circumstance to place the credit where it belongs, and without professing to see in it any superiority of the old civil service law under which these appointments were originally made and to this day uninterruptedly enjoyed.

A better understanding of the subject and of the laws and rules which attempt to control it, would readjust the standing of disputants and place many whose feelings are now hostile, in the attitude of friendship. That abuses exist in the service is true, whether admitted or not. The public gets less for its money than individuals get for theirs. The office-holding class while in theory the ser-

vant of the people, enjoys the privilege which many other servants do, of getting from their employers much they have not earned. The power of this class is large, and will not, with its consent, be decreased. It should not with the consent of the public be enlarged. The people will not be wise if they permit its influence to extend where they cannot control it if they choose. For these reasons I have never favored indefinite tenure in office. Such tenure might result in better service, but would quite as likely result in worse. While the service might not be the best, it might still not be bad enough to justify removal. The one thing morally certain in a fixed plan of indefinite continuance in office is that place holders would be beyond the people's reach. I do not believe this would raise the efficiency of the service. The knowledge in an employe that his place can be taken from him, is more likely than any other influence to make his work such that his superiors will not wish to remove him. His accomplishments are his protection. This is proved in every department of the State where competent men have retained their places under all administrations for years. And while they protect themselves, the public is also protected by retaining the right to dismiss. This right the public should never surrender. In this country no office-holding class should ever be created. Such class would be inconsistent with the principles, the history and every purpose of a government like this. The people should retain con-

trol. They employ and pay and should so far retain the management of their business as to keep whom they desire and discharge whom they please. They should also be free to select help as men select theirs, regarding every quality which makes applicants desirable or the reverse.

These propositions seem to me plain and correct. If they are, then that law is the best which comes nearest to carrying them out. Perhaps this can be done better than the Lexow bill will do it, but the Lexow bill is now doing and will hereafter do better than any law heretofore has done. The Constitution of the State requires that places in the civil service shall be bestowed according to merit and fitness, to be determined in competitive examinations. Under the old law and the rules carrying it into effect, merit and fitness for the State service were determined by examinations which, in my judgment, were utterly inadequate. They made success or failure depend mainly upon the educational attainments of the applicant. The examination papers in recent years, for entrance to the State's employ, show this to be true. Qualities of character, habits, tact, endurance, played little part in the result. The importance of such qualities no one disputes. Their value is such that no private business anywhere engages help without an examination which embraces them. The servants of the public should not be inferior to the servants of individuals, and a system which does not discover such inferiority is defective.

The Lexow bill remedies that precise defect. Its operation has not in any way diminished the educational tests of the old system, and was not intended to do so, but it added to the scholastic examination another which should disclose and take into account those necessary qualifications which the first examination left out. The standard of merit under the old rules was not diminished by the new. The first required at least seventy per cent. out of one hundred, the second at least thirty-five out of fifty. Everything required then is required still, and if a candidate fails in the examination for scholarship or merit, he cannot take the second for the qualities which prove his fitness. There is, therefore, no chance for incompetent persons to be crowded into public service. The requirements are not narrowed; they are enlarged. Many who could enter the service under the old system would fail under the new.

If a fitness examination is required, somebody must hold it. Those most competent to do so are they who know the precise qualifications required. This would mean the person for whom the services were to be rendered. Furthermore, if examinations are conducted by different authorities, there will be less chance of favoritism than if both are held by a single examiner. The larger the number of examiners the less chance of collusion, for all must agree to defraud the law or it cannot be done.

It is said that the head of a department may be dis-

honest. That is true, but there is no certainty that an examining board will not be afflicted in the same way. The criticism aimed at one, reaches both. The fear that this law will not work well is founded upon the suspicion that the appointing power may not be faithful, but the success of the system in any event must rely upon the good faith either of the officer appointing or of the examining board, or both. This means only that every undertaking must depend upon the integrity of those who carry it on. All relations rest upon confidence, and against their failure through betrayal there is no safe-guard except the character of men and the restraints of law. The head of a department is no more likely to fall short than a member of a civil service commission. Both may have been appointed by the Governor. The likelihood would be no greater if both were elected by the people. Besides, a department is responsible for the person it appoints, while a commission has no responsibility for the person it recommends. If there is an intention to evade the law, the powers of the commission in that direction are far greater than those of the head of a department. The former deals with all departments, the latter with only one.

The rules under the new law are in my opinion an improvement upon those previously in use. For example, the old rules kept a person who had passed an examination, on the list for a year; under the new he must notify

the board every three months that he desires his name retained and is willing to accept employment in the State's service. The old rules allowed a candidate on the eligible list to refuse employment three times, and to keep his place there until the third refusal. The present rules compel him to accept the first offer of employment or his name is stricken from the roll and can be restored only by another examination. The reason for these changes is sound. The old rules sometimes seriously embarrassed a department in need of help. A demand upon the civil service board might receive the name of a candidate who had died or left the State a year before. This difficulty was obviated by the new rule which requires every candidate to keep in touch with the board, by a notice every three months. The same name could formerly be sent to three different departments, one after another, so that each of the three was subjected to the delay and trouble of learning for itself, that the name submitted was dead. This produced embarrassment depending upon the urgency of the business requiring attention. This was corrected by striking the name from the list after the first refusal or failure to accept.

The report from the civil service board and its secretary whose long experience gives their opinions weight, is that that department never worked as well as it does to-day. I am in favor of making it still more efficient, and for that purpose I make the following recommenda-

tions: A larger force and better accommodations should be given the civil service board. Its examiners should be the best, and their salaries fixed accordingly. The appropriations for this department have been too small. With the amount available, it has been cramped to the extent of greatly impairing its value. Examinations should be held frequently and in many places. The list should be constantly recruited and all names kept off of persons who are dead or unwilling to accept employment from the State. Upon the efficiency of the civil service department depends in great measure the efficiency of every other. It should be active, competent and well managed. It is a regular department of the State, feeding all others, and unless it can properly discharge its functions it is not an aid, but an obstruction. The changes I propose will necessitate more work, which will require more money. Both are necessary to make the department what it ought to be. I am in favor of requiring one and providing the other. The suggestion has been made that the new law and rules require too many examinations. This is not a fair objection. The system is designed for the public good, and not for the comfort of individuals. The objection has no foundation even from the standpoint of the applicant, for the anxiety to hold public office is strong enough to make men undergo the inconvenience necessary to attain it. If the objection was stripped of its pretense, it would be found to consist not in reluctance at meeting the inconvenience

of applying, but in aversion to taking the examination at all. Examinations are required, and no instance of evasion either by the civil service board or by any department, should be tolerated. I believe the law and the rules and the department are more efficient now than ever before. I will aid in making them still better and help to modify or abolish anything that stands in the way.

ROADS

The opinion is growing that some method must soon be adopted which will improve the country roads. The system now in general use allows the highway taxes to be paid in work. The result is poor roads, with little sign of improvement. Under the law of this State any town or county now has the right to adopt the plan of paying this tax in money. In the few cases in which the latter plan has been adopted, the result has given great satisfaction. The money system can be so pursued as to insure the expenditure of a stated amount upon each mile of road in a town, leaving a surplus to be devoted each year to the roads most in need of it. It is urged by many whose judgment and experience are valuable that the Legislature should enact a law compelling all highway taxes to be paid in money. This may finally be done. I would recommend, however, that before such law is passed, the towns and counties of the State avail them-

selves of their privilege under the statute, of adopting the money system. The experience thus gained will probably satisfy the farmers that the plan now in use should be abandoned.

I call special attention to this subject because the need of improvement is apparent and admitted, and because the benefits following it would be extensive. Many sections of the State, unsurpassed in beauty and fertility, are neglected and almost unknown, because the condition of the highways affording the only approach makes them difficult of access. A good road is one of the chief elements of the value of a farm. If its fertility be slight, it may still be desirable if its location and surroundings are attractive and the approaches suitable. In many parts of this country, notably in New England, farm values which had been reduced by the competition of the west, have been, in great measure, restored by the demand for summer homes. Every such community finds itself benefited to the extent of its power to attract investments from the towns and cities. Its markets are enlarged, the price of all commodities raised, railroad facilities are improved, and those changes which the expenditure of money is likely to create, are largely realized. New York has natural advantages unsurpassed by any State. Better roads will bring them more generally into view.

TAXATION

The laws relating to taxation in this State are inadequate. They are uniform in terms, but not in application. A law that is not uniformly applied is not just, and if no machinery can be devised to carry it into full operation, the law itself should be changed. The question of levying and collecting taxes is the most serious with which we deal. No subject reaches farther and none is more difficult of just solution. Discrimination in enforcement results not only in injustice, but often in hardship. The class for which there is the least hope of escape is the class in which generally there is the least ability to pay. Whoever else escapes, the freeholder will be caught. Sooner or later this subject must be dealt with, and the law governing it reformed. Several States are now making careful inquiries upon which subsequent legislation may be framed. This State has never evaded its duty or fallen behind in fair and enlightened laws. Some agency should be created which will consider the subject with the care its gravity demands, and report to you or your successors, some scheme to correct the evil so generally acknowledged.

PUBLIC EXPENDITURES

Public money is too freely spent. This ought to be checked, and could be, if private efforts were as strenuous as public utterances. The main obstacle in the way of reduction is that it curtails the benefits which some com-

munity, class or person has heretofore enjoyed, and invariably results in protest and opposition from that particular source. Economy in the abstract excites universal enthusiasm, but abstract economy is of no value whatever. It must be applied somewhere before a gain is made, and in the process of the change from economy in general to economy in particular the passive desire for one becomes active hostility to the other. There are many ways in which every person of experience in public affairs knows that large reductions could be made without the slightest injury to the public interests. There would be a denial of benefits to individuals, but no injustice. In this connection I call attention to one particular abuse. I refer to this one, not with any intention to exclude, but rather to illustrate, others. It is the subject of public printing. The practice has long existed of printing, by thousands, public documents which have no value. They are never distributed and seldom called for. They are piled up and stored by the load, and in time disposed of at a fraction of a cent a pound for waste. Ordering without discrimination or check is vicious, with no feature to redeem it. The responsibility for printing reports or documents relating to any subject should be placed upon those having the subject in charge. No order should be given or filled except upon the certificate of those entrusted with the right to give it. In this way it will be possible to track the extravagance to

some responsible head. If this were done an enormous saving could be made in this single item.

I earnestly solicit the co-operation of the Legislature upon the subject of expenditures, enjoining upon you the need of careful discrimination between those matters which extend to and are required by the general good, and those others which are demanded only for local purposes, or upon the still narrower ground of personal desire.

BIENNIAL SESSIONS

I referred last year to the subject of biennial sessions. I refer to it again, adhering to my original belief that a session every two years could pass all the laws required by the State, greatly reduce expenses, remove the danger which increases every year from over legislation, give the laws a chance to be understood, protect those interests subject to measures known as strikes, and relieve the people from the complications and uncertainties into which excessive legislation is sure to plunge them. The wisdom of the biennial session has forced itself upon nearly all the States. Out of forty-five States thirty-nine have adopted it and in comparatively few cases where it prevails are extra sessions held. These extra sessions are sometimes called by the Governor for specific purposes, and no other can be considered. This change would involve a modification of the terms of Senators and Assemblymen. I believe the people would approve

it, and in my judgment that Legislature will render a great service which takes the first step towards submitting the question to them.

SHORT AND ACTIVE SESSION

I shall be glad if the Legislature realizes the importance of an early adjournment. In order that this may be had, I recommend that work should begin as speedily as possible after you convene. This course is necessary in order to finish your duties at an early day. It is desirable for another reason quite as important, viz., that such legislation as you pass, may reach the Governor before adjournment. It is a mistake to pass a large number of bills near the close of a session. In the confusion of the last days, the Legislature cannot consider; it can only relax. At the adjournment on the 24th of April last, there were left for the Governor seven hundred and eighty-three bills to be examined, considered and disposed of in thirty days, including Sundays. At least a week was required to classify and arrange them, leaving about three weeks which could be devoted to their consideration. The work of the Executive under such conditions must be imperfect. If laws ought to be passed by the Legislature, they ought to be considered by the Governor. If bills are disposed of by him at the rate of forty a day, they cannot be well examined.

There should be opportunity for conference and discussion between the Executive and members of the Legis-

lature. This will afford both a better understanding of measures proposed.

I advise that only such acts be passed as have general application. Cases are rare where the need for local or special legislation exists. A large part of our laws serve no desirable end whatever. They increase the expense, confuse existing law, and are often trivial and uncertain in their character.

I hope the public interests will be carefully separated from those smaller interests which are sometimes so closely blended with the public that the line of separation is obscure.

I shall not be unmindful, in the discharge of my own duties, of the suggestions I have made to you.

FRANK S. BLACK

PROCLAMATION OF REWARD FOR THE ARREST OF WALLACE J. CHRISTIAN

STATE OF NEW YORK

Executive Chamber

IT BEING charged and alleged that on or about the 27th day of September 1897 in the county of Sullivan in this State, one Wallace J. Christian without cause or provocation shot and killed Horace F. Pritchard and Thomas J. Manny thereby committing the crime of murder in the first degree, and it appearing to me that there

is good and sufficient ground for the said charge and probable cause therefor and that the said Wallace J. Christian is still at large, and the district attorney of said county having requested me to offer a suitable reward for his arrest and apprehension, I hereby in pursuance of said request and by virtue of the authority in me vested by the Constitution and laws of the State offer a reward of one thousand dollars to be paid for the arrest of the said Wallace J. Christian and his delivery to the sheriff of said county.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this fifth day of January in the year of our
Lord one thousand eight hundred and ninety-
eight

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

ORDER DIRECTING THE ABATEMENT OF CERTAIN PUBLIC NUISANCES AT BARREN ISLAND, KINGS COUNTY

STATE OF NEW YORK

Executive Chamber

WHEREAS The State Board of Health upon the complaint of various parties residing in the vicinity of Bar-

ren Island and acquainted therewith has examined into certain alleged nuisances existing at said Barren Island and has taken testimony both upon the part of the complainants as well as of the individuals, firms and corporations alleged to be conducting offensive business and trades at said island, and

Whereas On or about the 25th day of October 1897 the said Board of Health duly made its report and upon which report the approval of the Governor was endorsed the 7th day of January 1898 and which said report was duly filed in the office of the Secretary of State on the 7th day of January 1898, by which report so approved as aforesaid it appears that divers offensive trades and business are carried on upon said Barren Island in such a manner as to become a public nuisance, to which report reference is hereby made, and

Whereas The said State Board of Health in and by its said report has recommended that an order and proclamation made by His Excellency Governor Hill declaring the business and trades of Peter White's Sons, E. Frank Coe, The Barren Island Oil and Guano Company, and The Barren Island Fertilizing Oil Company to be public nuisances, etc. be amended and modified by declaring to be public nuisances the business, trades and establishments of each of the individuals, corporations and co-partnerships hereinafter specifically mentioned and ordering the same abated on or before April 1st 1898 unless each of the said firms, individuals and corporations shall

sooner obtain a permit of the New York State Board of Health and the New York City Board of Health to carry on their said noxious trades in conformity with sanitary rules and regulations prescribed by said boards:

Now Therefore I, Frank S. Black, Governor of the State of New York, in pursuance of the statute in such case made and provided and by reason of the premises hereinbefore recited, do hereby declare to be public nuisances the business, trades and establishments maintained and carried on at Barren Island in the county of Kings and State of New York by the following firms, individuals and corporations, to wit:

E. Frank Coe Company, a corporation engaged in the manufacture of commercial fertilizer,

The Barren Island Fertilizer and Oil Works, a corporation engaged in the manufacture of fish oil and fish scrap,

The New York Sanitary Utilization Company, a corporation engaged in reducing the garbage of New York city and Brooklyn, and manufacturing certain commercial products therefrom,

E. J. McKeever and Brother, a co-partnership consisting of Edward J. and Stephen W. McKeever, engaged in rendering dead animals collected principally from the City of Brooklyn, and

P. White and Sons, a co-partnership engaged in rendering dead animals collected chiefly in the City of New York.

And I do hereby order said nuisances to be abated and direct the said individuals, firms and corporations, on or before April 1st 1898 to secure a permit from the New York State Board of Health and the New York City Board of Health and to conform their various trades, business and vocations hereinbefore -specified to such sanitary rules and regulations as may be before that date prescribed by said boards.

Given under my hand and the Privy Seal of the
State at the Capitol, in the city of Albany
[L S] this tenth day of January in the year of our
Lord one thousand eight hundred and ninety-
eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

MESSAGE TO THE LEGISLATURE RELATING TO IMPROVEMENT OF THE CANALS

STATE OF NEW YORK

Executive Chamber

Albany, January 12, 1898

TO THE LEGISLATURE:

I have the honor to transmit herewith for your consideration a communication received this day from the

Superintendent of Public Works and the State Engineer and Surveyor.

I approve the suggestions therein contained. The Governor cannot appoint a committee possessing the necessary powers unless authority is conferred upon him by the Legislature. I therefore recommend that such early action be taken in the matter as may be deemed proper.

FRANK S. BLACK

THE LETTER

Albany, January 12, 1898

TO THE GOVERNOR:

The appropriation of nine million dollars, voted by the people at the election of 1895, for improving the canals, is insufficient to complete the work. Another large sum will be required. The authority for the second appropriation should be no less than that by which the first was made. This will require the submission of the question to popular vote. In order that such vote may be intelligently taken, the most careful examination should be made of the work already done or contracted for, and estimates prepared for that which may be necessary to complete the undertaking.

We recommend that a committee be appointed to make such examination and procure such estimates; such com-

mittee to be composed of the ablest and most impartial citizens. It should contain or have power to employ, those possessed of the highest skill in such work. The advice and co-operation of the New York Chamber of Commerce, the Buffalo Chamber of Commerce and similar commercial bodies in the State, might well be solicited. The value of an examination of the work already done and of an estimate of that to be performed, will depend upon the thoroughness with which they are made. In our judgment the most careful and detailed inspection should be made of the whole subject, including the work done, contracts made and parts not touched. From the report to be made thereon the people will obtain a knowledge which will enable them to act understandingly. The subject is of great importance and we hold ourselves ready to place at the disposal of such committee, a complete record of all proceedings thus far, and to aid it in every way, to the best of our ability.

GEORGE W. ALDRIDGE,
Superintendent of Public Works
C. W. ADAMS,
State Engineer & Surveyor

MESSAGE TRANSMITTING STATEMENT OF
PARDONS, COMMUTATIONS AND RESPITES

STATE OF NEW YORK

Executive Chamber

Albany, January 20, 1898

TO THE LEGISLATURE:

I have the honor to transmit herewith the statement required by the Constitution showing the several pardons, commutations and reprieves granted by me during the year 1897.

FRANK S. BLACK

ORDER DIRECTING THE ATTORNEY GENERAL
TO CONDUCT THE PROSECUTION OF MOR-
RIS JACKSON

STATE OF NEW YORK

Executive Chamber

Albany, February 3, 1898

To the Honorable THEODORE E. HANCOCK, *Attorney General*
of the State of New York:

In pursuance of article V of the Executive Law of the State of New York you are hereby required to attend

in person or by deputy a Trial Term of the Supreme Court of said State to be held in the county of Herkimer at the court house in the village of Herkimer upon the seventh day of March, 1898 for the purpose of managing and conducting in such court and at such term in behalf of the People the trial of one Morris Jackson for murder in the first degree in killing one Ella M. Ausman, in April, 1897, which indictment was heretofore found and presented by a grand jury of Herkimer county.

FRANK S. BLACK

CERTIFICATION TO THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL No. 1819, TO
REGULATE PRIMARY ELECTIONS, ETC.

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

Therefore In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly Bill number 1819 entitled "An act in relation

to enrollment for political parties, primary elections, conventions and political committees.”

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this twenty-third day of March in the year
of our Lord one thousand eight hundred and
ninety-eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION TO THE NECESSITY OF THE
PASSAGE OF SENATE BILL INTRODUCTORY
No. 659, TO REGULATE PRIMARY ELEC-
TIONS ETC.

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest
requires it;

Therefore In accordance with the provisions of section
fifteen of article three of the Constitution and by virtue ✓
of the authority thereby conferred upon me, I do hereby
certify to the necessity of the immediate passage of
Senate Bill introductory number 659 entitled “An act

in relation to enrollment for political parties, primary elections, conventions, and political committees.”

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this twenty-third day of March in the year of
our Lord one thousand eight hundred and
ninety-eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL INTRODUC-
TORY No. 1031 — A SUPPLY BILL

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

Therefore In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly Bill introductory number 1031 entitled “An

act making appropriations for certain expenses of government and supplying deficiencies in former appropriations.”

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this twenty-ninth day of March in the year
of our Lord one thousand eight hundred and
ninety-eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

MESSAGE URGING PROVISION AGAINST THE CONTINGENCY OF WAR

STATE OF NEW YORK

Executive Chamber

Albany, March 31, 1898

TO THE LEGISLATURE:

Events are now transpiring of so grave and general import, that the attention of every enlightened people is fixed upon our own. The crisis which our National Government now meets, involves those deep considerations which affect the future of the race. To aid that Government by approval and support, to sustain its hand when raised for justice and fair play, is the duty of every State. No hour has ever been so full of peril that New York has faltered while it passed. Because of her past history and her present greatness, she should be the first to understand the meaning of to-day. After long reflec-

tion, and with an earnest desire to do that which ought to be done, and to refrain from that which ought not to be done, I recommend that before you adjourn, you take such action as your wisdom shall decide upon, to provide against such urgent needs as the future may disclose.

I hope the day is still remote which shall consume the means you set apart. But if the time should come when forbearance and National self-respect can no longer stay together, there can be but one answer to the duty thus arising.

I believe you will, not in haste or anger toward any other people, but in the deliberate purpose to defend your own, and as a sign of hope to the struggling and distressed, realizing that patriotism without preparation is as fragile as a dream, so act that the enlightened sentiment of the world will justify you.

FRANK S. BLACK

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL INTRODUC-
TORY No. 1374—THE APPROPRIATION BILL

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

Therefore In accordance with the provisions of section fifteen of article three of the Constitution and by virtue

of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly Bill introductory number 1374 entitled "An act to provide ways and means for the support of government."

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this thirty-first day of March in the year of
our Lord one thousand eight hundred and
ninety-eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION TO THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL No. 1881 — A
SUPPLY BILL

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

Therefore In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of

Assembly Bill number 1881 entitled, "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations."

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany

[L s] this thirty-first day of March in the year of
our Lord one thousand eight hundred and
ninety-eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION TO THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL INTRODUC-
TORY No. 1372 — A SUPPLY BILL

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest
requires it;

Therefore In accordance with the provisions of section
fifteen of article three of the Constitution and by virtue
of the authority thereby conferred upon me, I do hereby
certify to the necessity of the immediate passage of
Assembly Bill introductory number 1372 entitled "An
act making appropriations for certain expenses of gov-

ernment and supplying deficiencies in former appropriations."

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this thirty-first day of March in the year of
our Lord one thousand eight hundred and
ninety-eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION TO THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL INTRODUCTORY
No. 1375—APPROPRIATION FOR THE
NATIONAL GUARD

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

Therefore In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly Bill introductory number 1375 entitled "An act making an appropriation for the expenses of the

national guard, the naval militia and volunteers when called into service for the public defense."

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L S] this thirty-first day of March in the year of
our Lord one thousand eight hundred and
ninety-eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL INTRODUC-
TORY No. 1373 — APPROPRIATION FOR THE
SUPPORT OF THE INSANE

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

Therefore In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly Bill introductory number 1373 entitled "An act to appropriate money for the support of the insane, under

the provisions of chapter five hundred and forty-five of the laws of eighteen hundred and ninety-six.”

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this thirty-first day of March in the year of
our Lord one thousand eight hundred and
ninety-eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

VETO OF SENATE BILL No. 1071, RELATING TO SALARIES OF TEACHERS IN NEW YORK CITY

STATE OF NEW YORK

Executive Chamber

Albany, April 29, 1898

Memorandum filed with Senate Bill No. 1071, entitled “An act to amend chapter three hundred and seventy eight of the laws of eighteen hundred and ninety-seven, entitled ‘An act to unite into one municipality, under the corporate name of The City of New York, the various communities, lying in and about New York harbor, the city of Brooklyn and the county Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof’, relative to the salaries of teachers in the public schools” — Not approved

This bill is designed to fix and regulate the salaries of teachers in the public schools of New York. Last year the Legislature passed the Greater New York Charter.

One of the fundamental ideas in that instrument was local self government. It had long been a habit if not a necessity for the city to demand state legislation upon matters which should have been solely within the city's control. The new Charter was framed by men of the highest eminence and skill, and they sought to correct the unwise practice I have named. Their success was considerable if not complete. It is at least certain that they succeeded in placing the subject upon which legislation is now asked wholly within the power of the city authorities. Section fifty-six of the New York Charter says that "The municipal assembly shall have power upon the recommendation of the board of estimate and apportionment to fix the salary of any officer or person whose compensation is paid out of the city treasury". The right to fix the pay of teachers is by section ten hundred and ninety-one, conferred in the first instance upon the school board. But the section from which I have quoted gives the board of estimate and apportionment and the municipal assembly, if in accord, the control of that subject, without regard to the board of education. There is, therefore, no reason or excuse for an application to the legislature. There is no community in the state which at this minute is more wedded to the doctrine of home rule than the city of New York. Having the power to act, the city should take the responsibility. The authorities there know the exact condition of the city's affairs, its needs and limitations, and the wishes of its

people. I understand the local government believes the constitutional debt limit of the city has already been exceeded. If that is true, the city itself shall decide whether it will hazard a further increase. At all events such increase should not be arbitrarily made by the state.

I believe the teachers in New York are not paid as they ought to be. The plan now in use by the school board will increase these salaries and bestow some measure of long delayed justice upon the most meritorious and worst paid class of public servants. But if the teachers believe that the plan of the board of education will not deal with them fairly they should apply to the municipal assembly in which upon the recommendation of the board of estimate, ample authority now rests.

FRANK S. BLACK

MEMORANDUM FILED WITH ITEMS IN ASSEMBLY BILL No. 1881 — THE SUPPLY BILL
— NOT APPROVED

STATE OF NEW YORK

Executive Chamber

Albany, April 29, 1898

Statement of items of appropriations objected to and not approved contained in Assembly Bill number 1881 entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations" — Not approved

The several items herein enumerated contained in Assembly bill number 1881 entitled "An act making appro-

priations for certain expenses of government and supplying deficiencies in former appropriations", are objected to and not approved for the reasons hereinafter stated.

First: "And there is also appropriated for the salaries and expenses of experts, for the year eighteen hundred and ninety-eight, the sum of three thousand two hundred dollars, or so much thereof as may be necessary, the amounts herein appropriated to be paid from the funds collected from the said associations".

This item refers to the payment of the salaries and expenses of experts for the examination of the books of incorporated racing associations. The supplemental supply bill already approved contains an item providing for the salaries and expenses of such experts and which is intended to be sufficient for that purpose.

Second: "The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the canal fund to pay for the services and disbursements incurred by the agent employed by the Superintendent of Public Works on request of the Attorney General, as provided in section two hundred and seventy of the code of civil procedure in defense of claims against the State, on account of the canals; such sum to be advanced to said agent by the Comptroller upon his filing with the Comptroller a good and sufficient bond in the sum of ten thousand dollars for the same. But no account for such services, disbursements and expenses shall be paid until the same has been presented to and approved by the canal board".

This is a duplication of an item in the general appropriation bill already approved, and that appropriation is

deemed sufficient for the purpose indicated. The item in this bill is therefore unnecessary.

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Third: "For the Superintendent of the State Land Survey, for surveying and fixing the line between the counties of Herkimer and Lewis with the general work of the State Land Survey, the sum of ten thousand dollars, or so much thereof as may be necessary, payable out of the appropriation of twenty-five thousand dollars to said Superintendent for continuing the work of the State Land Survey for the years eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, and the said Superintendent is hereby directed to survey, establish and mark said county line".

It seems that the location of the boundary line between the counties of Herkimer and Lewis is in dispute, and this appropriation is made for the purpose of having a line established by the Superintendent of the State Land Survey. I am informed that the boards of supervisors of the counties affected are negotiating for an amicable adjustment of the line and that the controversy will probably soon be settled. In view of this probability it does not seem necessary to expend this money now. Besides, the amount intended to be here appropriated is taken from the appropriation to the Superintendent for continuing the work of the State Land Survey. The amount appropriated for that purpose seems none too large and should not be diminished as authorized by this item.

FRANK S. BLACK

OMNIBUS VETO — LIST OF BILLS REMAINING
UNSIGNED

STATE OF NEW YORK

Executive Chamber

Albany, May 2, 1898

The following bills remaining in my hands and previously undisposed of are not approved because of defective drafting, questionable propriety objectionable provisions, duplication of bills already signed, non-action by the cities which they affect as is required by the Constitution, or non-approval by the mayors of the cities which they affect within the fifteen days specified by the Constitution.

FRANK S. BLACK

Assembly Bill No. 1699, entitled "An act to re-appropriate money for expenses, repairs and betterments of the state armory at Newburgh, New York, as provided for by chapter nine hundred and forty-nine of the laws of eighteen hundred and ninety-six."

Assembly Bill No. 1765, entitled "An act to provide for an investigation into the causes of contagious abortion in cows and the best means of its prevention in the dairy herds of the State."

Senate Bill No. 533, entitled "An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Irving F. Cragin against the

state for damages alleged to have been sustained by him, and to render judgment therefor."

Senate Bill No. 919, entitled "An act to authorize the court of claims to hear, audit and determine alleged claims for military uniforms and repairs thereto, for the national guard of the state of New York, and to make an award therefor."

Senate Bill No. 1094, entitled, "An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of James Hall against the state for damages alleged to have been sustained by him, and to render judgment therefor."

Assembly Bill No. 1416, entitled, "An act conferring jurisdiction upon the state court of claims to hear, audit and determine the claims of the several counties for the value of county insane asylums."

Assembly Bill No. 1734, entitled, "An act to provide for a hearing of the claims of J. W. Van Slyke and others for work done and services performed for the state under the provision of chapter five hundred and seventy-seven of the laws of eighteen hundred and sixty-four."

Assembly Bill No. 1747, entitled, "An act to provide for the maintenance and government of the public schools of the city of Jamestown."

Assembly Bill No. 1756, entitled, "An act to amend chapter eighty-four of the laws of eighteen hundred and eighty-six, entitled 'An act to incorporate the city of Jamestown,' as amended by chapter one hundred and

thirty-four of the laws of eighteen hundred and ninety, and further amended by chapter nine hundred and eighty-one of the laws of eighteen hundred and ninety-six, in relation to the acquisition of property for water purposes.”

Senate Bill No. 934, entitled, “An act to incorporate the city of New Rochelle.”

Assembly Bill No. 1825, entitled, “An act to amend chapter six hundred and thirty-five of the laws of eighteen hundred and ninety-five, entitled ‘An act to revise the charter of the city of Yonkers.’ ”

Senate Bill No. 271, entitled, “An act to amend section thirteen hundred and fifty-three of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled, ‘An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof,’ relative to the municipal court.”

Senate Bill No. 1748, entitled, “An act to amend chapter six hundred and eighty-two of the laws of eighteen hundred and ninety-seven, entitled, ‘An act for licensing and regulating bonds of auctioneers in cities of one million and over.’ ”

Senate Bill No. 586, entitled, "An act to amend section twenty-five of chapter six hundred and one of the laws of eighteen hundred and ninety-five, entitled 'An act in relation to the inferior courts of criminal jurisdiction in the city and county of New York.'"

Senate Bill No. 882, entitled, "An act to amend section fourteen hundred and three of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled, 'An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof,' relating to the qualifications of justices of the court of special sessions and city magistrates."

Senate Bill No. 1071, entitled, "An act to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled 'An act to unite into one municipality under the corporate name of The City of New York, the various communities lying in and about New York harbor, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof,' relative to the salaries of teachers in public schools."

Assembly Bill No. 421, entitled, "An act relating to the payment of officers of election in the city and county of New York."

Assembly Bill No. 725, entitled, "An act to amend section thirteen hundred and sixty-nine of 'The Greater New York Charter,' in relation to the municipal court."

Assembly Bill No. 1507, entitled, "An act to amend section nine hundred and fifty-six of the code of civil procedure in reference to documentary evidence."

Assembly Bill No. 1627, entitled, "An act to amend section seventeen hundred and seventy-one of the code of civil procedure."

Senate Bill No. 527, entitled, "An act to amend sections twenty-six hundred and sixty and twenty-six hundred and sixty-nine of the code of civil procedure, relating to the grant of letters of administration."

Assembly bill No. 1015, entitled, "An act to amend section twenty-eight hundred and sixty-eight of the code of civil procedure, relative to rooms in which justices' courts may be held."

Senate Bill No. 591, entitled, "An act to amend section thirty-two hundred and twenty-eight of the code of civil procedure relating to the awarding of costs."

Senate Bill No. 1025, entitled, "An act to amend the penal code, relating to the sale of poisonous substances by druggists and pharmacists upon physicians prescriptions."

Assembly Bill No. 1652, entitled, "An act to amend section five hundred and forty-four of the penal code relating to larceny by false pretence."

Assembly Bill No. 54, entitled, "An act to amend section six hundred and forty of the penal code, to prevent the desecration, mutilation or improper use of the flag of the United States, or of this state."

Assembly Bill No. 1159, entitled, "An act to amend section six hundred and sixteen of the code of criminal procedure, in relation to witnesses' fees."

Senate Bill No. 616, entitled, "An act to amend sections seven hundred and seventy-three, seven hundred and seventy-four, seven hundred and seventy-seven, seven hundred and eighty and seven hundred and eighty-one of the code of criminal procedure, relating to coroners and abolishing coroners' juries."

Assembly Bill No. 1632, entitled, "An act to amend section nine hundred and forty-three of the code of criminal procedure, relating to the duties of county clerks, et cetera."

Assembly Bill No. 1742, entitled, "An act for the relief of the Mount Sinai Hospital of The City of New York, and to authorize the change of a lease from the mayor, aldermen and commonalty of The City of New York to the Mount Sinai Hospital to a grant and to authorize the sale or leasing of the said property by the Mount Sinai Hospital."

Assembly Bill No. 1083, entitled, "An act to incorporate 'The New York Mutual Title Insurance Company.'"

Assembly Bill No. 1588, entitled, "An act concerning certain corporations."

Assembly Bill No. 836, entitled, "An act exempting Clinton county from certain provisions of the highway law, relative to commissioners appointed for the purpose of laying out highways."

Senate Bill No. 905, entitled, "An act fixing the term of office of the coroner of Erie county elected at the annual election held in the year eighteen hundred and ninety-six, and providing for the election of his successor."

Senate Bill No. 958, entitled, "An act to amend sections two and three of chapter one hundred and seventy-three of the laws of eighteen hundred and ninety-five, entitled, 'An act fixing the fiscal year, providing for a county auditor, and regulating the purchase of supplies for the county institutions and officers of the county of Erie,' passed March twenty-eighth, eighteen hundred and ninety-five, in relation to the election of county auditor in Erie county."

Senate Bill No. 1142, entitled, "An act in relation to the keeper of the hall of records in the county of Kings."

Senate Bill No. 546, entitled, "An act further to provide for the office of inspector of construction, alteration and repairs of public buildings in the county of Kings, and to define certain powers and duties."

Assembly Bill No. 348, entitled, "An act to regulate the practice of midwifery in Montgomery county, by others than legally authorized physicians."

Assembly Bill No. 1688, entitled, "An act to amend chapter three hundred and twenty-five of the laws of eighteen hundred and ninety-seven, entitled "An act providing for a system of county roads in the county of Orange,' relating to streets and highways in cities and villages."

Assembly Bill No. 42, entitled, "An act to provide for the holding of annual town meetings and elections in the towns in the county of Putnam."

Assembly Bill No. 1648, entitled, "An act to amend chapter two hundred and sixty-eight of the laws of eighteen hundred and seventy-seven, entitled 'An act in relation to the collection of taxes and the sales of land therefor in certain towns of Queens county,' as amended by chapter two hundred and twenty-six of the laws of eighteen hundred and seventy-eight."

Assembly Bill No. 1480, entitled, "An act to authorize and direct the town clerks of the several towns of Westchester county, in which there is no historical society, to deliver certain books, maps and documents to the Historical Society of Westchester County."

Assembly Bill No. 1481, entitled, "An act to provide for indexing and reindexing conveyances, mortgages and other instruments relating to lands and liens thereon in the county of Westchester."

Senate Bill No. 220, entitled, "An act to amend the fisheries and forest law, in relation to powers and duties of protectors and foresters."

Assembly Bill No. 1512, entitled, "An act to amend chapter ten of the laws of eighteen hundred and fifty-nine, entitled 'An act to amend an act entitled 'An act to revise, amend and consolidate the several acts relating to the village of Whitesborough,' ' as amended by chapter five hundred and thirty-nine of the laws of eighteen hundred and eighty-four, relative to fixing the boundary lines of said village."

Senate Bill No. 1736, entitled, "An act to amend the fisheries, game and forest law, relating to taking sturgeon with set lines in part of the waters of the Thousand Islands."

Assembly Bill No. 1624, entitled, "An act to amend an act for the protection, preservation and propagation of birds, fish and wild animals in the state of New York and the different counties thereof."

Senate Bill No. 737, entitled, "An act to amend section fifty-two of chapter three hundred and thirty-eight, laws of eighteen hundred and ninety-three, entitled 'An act in relation to agriculture, constituting articles one, two, three, four, five, six and seven of chapter thirty-three of the general laws,' relative to cider-vinegar."

Assembly Bill No. 439, entitled, "An act to amend chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled 'An act in relation to

counties, constituting chapter eighteen of the general laws', relative to employment of counsel by a district attorney."

Assembly Bill No. 648, entitled, "An act to amend the county law, in relation to business hours in clerks' offices."

Assembly Bill No. 1136, entitled, "An act to amend the county law, as amended by chapters one hundred and fifty and seven hundred and eighteen of the laws of eighteen hundred and ninety-five, relating to sheriffs' office; time of keeping open."

Senate Bill No. 134, entitled, "An act to amend chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, entitled 'An act in relation to the elections, constituting chapter six of the general laws,' and to add another section thereto."

Senate Bill No. 608, entitled, "An act to amend the election law, relating to the division and alteration in election districts."

Assembly Bill No. 393, entitled, "An act to amend the election law, relating to the designation of places of registry and voting in towns."

Assembly Bill No. 1240, entitled, "An act to amend chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, known as the election law, and entitled, 'An act in relation to the elections, constituting chapter six of the general laws,' as amended by chapter three hundred and seventy-nine of the laws of eighteen hundred and ninety-seven."

Senate Bill No. 817, entitled, "An act to amend section fifteen of the general corporation law, relating to certificate of authority of a foreign corporation."

Assembly Bill No. 1158, entitled, "An act to amend chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-two, entitled 'An act to amend the general corporation law,' in relation to boards of directors."

Assembly Bill No. 816, entitled, "An act to amend the highway law, relative to commutations of labor on highways."

Assembly Bill No. 1370, entitled, "An act to amend the highway law, and the acts amendatory thereof, in relation to the pay of commissioners appointed by court to assess the damages for laying out a highway."

Assembly Bill No. 1408, entitled, "An act to amend chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled 'An act in relation to highways, constituting chapter nineteen of the general laws,' and the acts amendatory thereof, in reference to county roads."

Assembly Bill No. 1644, entitled, "An act to amend the highway law, in relation to serving notice of meeting of commissioners to determine the necessity for laying out highways and assess damages."

Senate Bill No. 433, entitled, "An act to amend section ninety-two of chapter six hundred and ninety of the laws

of eighteen hundred and ninety-two, entitled 'An act in relation to insurance corporations.' "

Senate Bill No. 827, entitled, "An act to amend the labor law, relating to the designation of deputy factory inspectors for the enforcement of provisions of such law concerning the employment of labor on public works."

Assembly Bill No. 1718, entitled, "An act to amend the labor law, relating to the determination of what constitutes the prevailing rate of wages to be paid to employes on public works."

Senate Bill No. 604, entitled, "An act to amend the lien law, relating to contracts for the conditional sale of goods and chattels."

Senate Bill No. 759, entitled, "An act to amend the lien law, in relation to sales of personal property to satisfy liens."

Assembly Bill No. 906, entitled, "An act to amend the lien law, in relation to the filing of notice."

Assembly Bill No. 1498, entitled, "An act to amend sections eighty-one and eighty-two of chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, entitled 'An act in relation to liens, constituting chapter forty-nine of the general laws.' "

Senate Bill No. 1027, entitled, "An act to amend chapter one hundred and twelve of the laws of eighteen hundred and ninety-six, entitled 'An act in relation to the traffic in liquors, and for the taxation and regulation of

the same, and to provide for local option, constituting chapter twenty-nine of the general laws,' as amended by chapter three hundred and twelve of the laws of eighteen hundred and ninety-seven."

Assembly Bill No. 1057, entitled, "An act to amend section ninety-five of the railroad law, chapter thirty-nine of the general laws, relative to payment of percentages by street surface railway corporations in cities."

Assembly Bill No. 1278, entitled, "An act to amend the railroad law, and the acts amendatory thereof, generally."

Senate Bill No. 951, entitled, "An act to amend the stock corporation law, in relation to the alteration or extension of business."

Senate Bill No. 739, entitled, "An act to amend sections one hundred and fifty and one hundred and fifty-one of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled the 'tax law,' in relation to tax sales."

Assembly Bill No. 916, entitled, "An act to amend the town law, in relation to the qualification of assessors."

Assembly Bill No. 369, entitled, "An act to amend chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled 'An act in relation to villages, constituting chapter twenty-one of the general laws,' in relation to furnishing water to other municipalities."

Assembly Bill No. 1267, entitled, "An act to amend the village law, in relation to the population requisite to incorporate."

Senate Bill No. 312, entitled, "An act to mature debts owing by insolvents."

Senate Bill No. 337, entitled, "An act to amend chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-six, entitled 'An act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling and vending of merchandise within this state,' by extending the same to volunteer firemen."

Senate Bill No. 653, entitled, "An act relating to rates of fare on street surface railroads overcoming an elevation of four hundred and fifty feet or more within a distance of one and a half miles or less, in villages and cities of the third class."

Senate Bill No. 669, entitled, "An act to amend chapter ninety-one of the laws of eighteen hundred and ninety-two, entitled 'An act to amend chapter four hundred and ninety-eight of the laws of eighteen hundred and seventy-two, entitled 'An act for the protection of livery stables keepers and other persons keeping horses at livery and pasture,' as amended by chapter one hundred and forty-five of the laws of eighteen hundred and eighty,' so as to create a lien upon harness, trucks and other vehicles."

Senate Bill No. 1052, entitled, "An act to regulate the

use of bicycles, and to prevent discrimination in ordinances affecting the same."

Assembly Bill No. 378, entitled, "An act relating to the adult blind in cities."

Assembly Bill No. 721, entitled, "An act to amend chapter one hundred and ninety-four of the laws of eighteen hundred and ninety-seven, entitled 'An act creating a commissioner of jurors for each county of the state having a population of more than one hundred and fifty thousand and less than one hundred and ninety thousand, and regulating and prescribing his duties.' "

Assembly Bill No. 1291, entitled, "An act requiring any person, persons or association of persons doing business as private bankers in any city of the first class in this state, to file bonds for the security of certain depositors."

Assembly Bill No. 1582, entitled, "An act to amend chapter four hundred and ninety of the laws of eighteen hundred and eighty-five, entitled 'An act concerning tramps,' in relation to their punishment."

Assembly Bill No. 1353, entitled, "An act to provide for the better administration of justice in the town of Frankfort, in the county of Herkimer, and state of New York."

Senate Bill No. 1090, entitled, "An act to amend section six of chapter fifty-five of the laws of eighteen hundred and seventy-nine, entitled 'An act to provide for the election of a police justice in the town of Waterford, county of Saratoga.' "

Senate Bill No. 1123, entitled "An act to authorize and require the town of Cortlandt, in the county of Westchester, to pay to the village of Croton-on-the-Hudson the highway tax to be collected from property within the corporate limits of said village."

Assembly Bill No. 1553, entitled, "An act to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled 'An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof.'"

Assembly Bill No. 1583, entitled, "An act to provide for the transfer of a certain plot of land in the borough of Brooklyn, City of New York, to the Brooklyn Free Library."

Assembly Bill No. 1621, entitled, "An act to amend chapter six hundred and seventy-two of the laws of eighteen hundred and ninety seven, entitled 'An act to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled 'An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York,' as amended by chapters eighty-four and two hundred and eighty-eight of the laws of eighteen hundred and eighty-

seven, and by chapter two hundred and thirty-eight of the laws of eighteen hundred and ninety-two, and by chapter five hundred and sixty-seven of the laws of eighteen hundred and ninety-five, and otherwise so as to provide for the improvement of tenements and lodging houses."

Assembly Bill No. 1694, entitled, "An act in relation to the proceeds of sale of school lands in the borough of Brooklyn, New York."

Assembly Bill No. 1822, entitled, "An act to amend chapter five hundred and forty-one of the laws of eighteen hundred and ninety-seven."

Senate Bill No. 509, entitled, "An act to authorize further appropriations for the maintenance of the American Museum of Natural History in The City of New York."

Assembly Bill No. 945, entitled, "An act to amend chapter one hundred and seventy-two of the laws of eighteen hundred and ninety, relating to the Brooklyn institute of Arts and Sciences."

Assembly Bill No. 1534, entitled, "An act in relation to the house of worship of a religious corporation known as The Congregation Mishkan Israel-Anshe Suwalker in The City of New York."

Senate Bill No. 421, entitled "An act to exempt the real estate of the House of the Good Shepherd from taxation, assessment and water rates."

Senate Bill No. 1081, entitled, "An act in relation to Clinton avenue, in the borough of Brooklyn, in The City of New York."

Assembly Bill No. 1260, entitled, "An act to release from assessments heretofore made on the real estate of the Missionary Society of the Most Holy Redeemer in the state of New York."

Senate Bill No. 476, entitled, "An act to exempt the real estate of the Young Men's Hebrew Association from taxation, assessments and water rates."

Assembly Bill No. 1434, entitled, "An act authorizing municipal officers of cities of the third class to contract for the lighting of streets for a period not exceeding five years."

BILLS NOT APPROVED BY MAYORS OF CITIES

Senate Bill No. 673, entitled, "An act to enable the city of Albany to pay sundry debts for printing and advertising."

Senate Bill No. 434, entitled, "An act to authorize and empower the board of public works and the common council of the city of Buffalo to audit, adjust and pay the claims and demands of Anthony C. Douglass, Edward J. Hingston and Arthur Woods for the actual value of all work performed and materials furnished in and about the construction of the tunnel, from the pumping station of the Buffalo city water to the inlet pier, and the extension of such pier in said city."

Senate Bill No. 848, entitled, "An act for the prevention of cruelty to animals, and directing the Erie County Society for the Prevention of Cruelty to Animals to do certain things."

Assembly Bill No. 1224, entitled, "An act to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, relating to the vacations and leave of absence of firemen."

Assembly Bill No. 1449, entitled, "An act declaratory of the application of section five hundred and four of chapter one hundred and five of the laws of eighteen hundred and ninety-one."

Assembly Bill No. 1749, entitled, "An act to amend chapter fifty-eight of the laws of eighteen hundred and ninety, entitled 'An act to incorporate the City of Corning,' and the acts amendatory thereof and supplemental thereto."

Senate Bill No. 1013, entitled, "An act to amend chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety-five, entitled 'An act to incorporate the city of Johnstown.'"

Senate Bill No. 1101, entitled, "An act to authorize the city of Syracuse to levy a tax to provide the means to defray the cost of constructing a bridge over the Erie Canal at Bridge street in the city of Syracuse."

Assembly Bill No. 1109, entitled, "An act to authorize the city of Syracuse to levy a tax to provide the means

to defray the cost of constructing a steel girder bridge, abutments and necessary approaches over the Erie canal, at the foot of Westcott street, in the city of Syracuse."

Senate Bill No. 709, entitled, "An act to amend chapter seven hundred and sixty of the laws of eighteen hundred and ninety-seven, entitled 'An act to revise the charter of the city of Watertown.'"

Senate Bill No. 1107, entitled, "An act authorizing the board of police of the city of Yonkers to borrow money for the purpose of defraying the necessary expenses of the said board of police and police board."

Senate Bill No. 30, entitled, "An act authorizing and directing the comptroller of the city of New York to cancel of record certain taxes and assessments levied upon real property within the territory added to said city by chapter nine hundred and thirty-four of the laws of eighteen hundred and ninety-five, and issue certificates of redemption from the sales of real property within such territory."

Senate Bill No. 79, entitled, "An act to provide compensation to the owners of animals and cattle destroyed pursuant to chapter six hundred and seventy-four of the laws of eighteen hundred and ninety-four and repealing certain acts relating thereto in the city of New York."

Senate Bill No. 192, entitled, "An act to authorize the board of revision of assessments in the city of New York to determine and award damages for the changing of the

original grade of streets and avenues affecting certain property located in the borough of the Bronx in the city of New York."

Senate Bill No. 200, entitled, "An act to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled 'An act to unite into one municipality under the corporate name of The City of New York, the various communities lying in and about New York Harbor including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond, and part of the county of Queens, and to provide for the government thereof,' in relation to the normal college of the city of New York."

Senate Bill No. 230, entitled, "An act for the regulation of pharmacists and druggists and to prevent accidents and mistakes in the preparing and compounding of medical prescriptions in the city of New York."

Senate Bill No. 307, entitled, "An act to authorize the board of estimate and apportionment of The City of New York to audit, and the comptroller of said city to pay, the expenses of Lewis M. Hornthal, Richard Kelly, Joseph Fettretch and Jeremiah Fitzpatrick, incurred for legal services and other expenses and actions brought against them individually and as trustees of the common schools of the nineteenth ward of The City of New York by Louise M. Galligan."

Senate Bill No. 340, entitled, "An act to provide for the payment of the services rendered to The City of New York, after annexation, by the volunteer firemen of that portion of Westchester county annexed to The City of New York by chapter nine hundred and thirty-four of the laws of eighteen hundred and ninety-five."

Senate Bill No. 439, entitled, "An act in relation to the construction of an outlet sewer and appurtenants in Farragut street, from the East river to Hunt's Point road, and in Hunt's Point road from Farragut to Whittier street, and in Whittier street from Hunt's Point road to Whitlock avenue, and in Whitlock avenue from Whittier street to Westchester avenue, and in Westchester avenue from Whitlock avenue to Edgewater road, and in Edgewater road from Westchester avenue to Jennings street in The City of New York."

Senate Bill No. 441, entitled, "An act to repeal sections eighteen hundred and twenty-four to eighteen hundred and thirty-eight of the New York consolidation act and the acts amendatory thereof relating to mechanics' liens on account of public improvement in the city of New York, as constituted before taking effect of the Greater New York charter."

Senate Bill No. 506, entitled, "An act in relation to local improvement bonds of the late town of Gravesend."

Senate Bill No. 580, entitled, "An act to authorize the commissioners of the sinking fund of The City of New

York to cancel and annul certain assessments and directing the comptroller to mark said assessments accordingly."

Senate Bill No. 600, entitled, "An act in relation to proceedings for the opening of streets and avenues and closing old roads or highways in the late city of Brooklyn commenced prior to its annexation with the city of New York, and to provide for the completion of the same."

Senate Bill No. 633, entitled, "An act to authorize the board of estimate and apportionment of The City of New York to examine and audit the claim of William A. Deering for advertising sale of bonds of the late city of Brooklyn."

Senate Bill No. 667, entitled, "An act to legalize the acts of former justices of the district courts in the city of New York, and provide for the payment of compensation for their services, relative to municipal courts of New York city."

Senate Bill No. 686, entitled, "An act in relation to an assessment for the grading, construction and improvement of the westernly part of Surf Avenue in the city of New York, late town of Gravesend, Kings county."

Senate Bill No. 734, entitled, "An act to close and strike from the town survey map of Kings county all that portion of Sherman street lying between Vanderbilt avenue and Adams street, as the name is laid down on said map."

Senate Bill No. 742, entitled, "An act in relation to license fees for public exhibitions and for the payment of a part thereof to the Actors' Fund of America."

Senate Bill No. 801, entitled, "An act to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled 'An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York,' in relation to buildings in said city."

Senate Bill No. 872, entitled "An act to amend chapter six hundred and seventy-one of the laws of eighteen hundred and ninety seven, entitled 'An act to authorize the board of estimate and apportionment of The City of New York to examine the claim of Mary E. Ward, surviving partner of the firm of Warren Ward and Company, for extra work done in the enlargement and equipment of the Metropolitan Museum of Art.'"

Senate Bill No. 881, entitled "An act to authorize Jeremiah P. Robinson to construct, build and maintain a bulkhead in front of his lands in the Twelfth ward of the borough of Brooklyn of The City of New York."

Senate Bill No. 883, entitled, "An act to authorize the board of commissioners of the sinking fund of The City of New York to transfer certain property to the Brooklyn Public Library for use as part of a free library."

Senate Bill No. 889, entitled, "An act to regulate the

use of certain slips, piers and wharves on the East river, in The City of New York."

Senate Bill No. 916, entitled, "An act to provide in and for the county of Kings an additional court, not of record, for the trial of minor felonies."

Senate Bill No. 936, entitled, "An act relative to the bridge over the East river authorized to be constructed by chapter seven hundred and eighty-nine of the laws of eighteen hundred and ninety-five."

Senate Bill No. 1057, entitled, "An act in relation to certain lands owned by The City of New York in the borough of Brooklyn, known as the Wallabout lands, and the improvement, leasing and maintenance thereof."

Assembly Bill No. 35, entitled, "An act in relation to the opening of the highway or avenue known as Prospect avenue, in the late town of Flatbush, Kings county, formerly a part of the city of Brooklyn, now a part of the city of New York."

Assembly Bill No. 57, entitled, "An act authorizing the board of estimate and apportionment of the city of New York to appropriate the sum of thirty-five thousand dollars to aid in the erection of a monument of the martyrs who perished in the prison ships in New York harbor during the war of the revolution."

Assembly Bill No. 248, entitled, "An act in relation to the construction, maintenance and operation of railroads

upon East Eighteenth street, in the borough of Brooklyn, in the city of New York."

Assembly Bill No. 442, entitled, "An act in relation to the construction, maintenance and operation of railroads upon East Nineteenth street in the borough of Brooklyn, in The City of New York."

Assembly Bill No. 613, entitled, "An act in relation to the construction, maintenance and operation of railroads upon East Fourteenth street, in the borough of Brooklyn, in the City of New York."

Assembly Bill No. 698, entitled, "An act to authorize the board of estimate and apportionment of The City of New York to examine and audit the claim of Fred E. Strom for services for making and furnishing maps of the Thirty-second ward of the late city of Brooklyn."

Assembly Bill No. 782, entitled, "An act to legalize and confirm certain appointments made in the department by the fire commissioner of the former city of Brooklyn."

Assembly Bill No. 807, entitled, "An act to legalize and confirm the transfer and assignment of persons serving as clerks or employes in the several municipal and public corporations consolidated by the Greater New York charter, and to provide for their compensation."

Assembly Bill No. 828, entitled, "An act to repeal chapter sixty-eight of the laws of eighteen hundred and ninety-seven, entitled 'An act authorizing the operation of electrical conductors in The City of New York, and the construction of a subway therefor.'"

Assembly Bill No. 896, entitled, "An act to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled 'An act to consolidate into one act and to declare the special and local laws affecting public interests in The City of New York,' as amended by chapter seven hundred and fifty-seven of the laws of eighteen hundred and ninety-four, relating to clerks and interpreters of courts."

Assembly Bill No. 1030, entitled, "An act to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled 'An act to unite into one municipality under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond, and part of the county of Queens, and to provide for the government thereof,' relating to newspapers to be designated in which corporate notices are to be advertised."

Assembly Bill No. 1031, entitled, "An act authorizing the dock board of The City of New York to lease certain land and land under water for boat-house service."

Assembly Bill No. 1033, entitled, "An act to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled 'An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying

in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof.' ”

Assembly Bill No. 1217, entitled, “An act to provide for carrying out a contract for grading a portion of West Seventeenth street, in the borough of Brooklyn, City of New York.”

Assembly Bill No. 1339, entitled, “An act to provide for payment for the services rendered to the City of Brooklyn, in the county of Kings (now forming part of The City of New York, under and by virtue of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven), by the volunteer firemen of the town of Flatbush, in said county of Kings, annexed to said former city of Brooklyn, by chapter three hundred and fifty-six of the laws of eighteen hundred and ninety-four.”

Assembly Bill No. 1342, entitled, “An act to amend chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled ‘An act to revise and combine in a single act all existing special and local laws affecting public interests of the city of Brooklyn,’ as amended by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-four, and chapter five hundred and thirty-nine of the laws of eighteen hundred and ninety-five, and chapter six hundred and forty-

three of the laws of eighteen hundred and ninety-six, and chapter five hundred and thirty-one of the laws of eighteen hundred and ninety-seven, relating to the fire limits of the city of Brooklyn."

Assembly Bill No. 1397, entitled, "An act to authorize the improvement of Ocean avenue, in the borough of Brooklyn, in The City of New York."

FRANK S. BLACK

PROCLAMATION CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION

STATE OF NEW YORK

Executive Chamber

PURSUANT to the power vested in me by section 4 of article IV of the Constitution, I hereby convene the Legislature in Extraordinary Session at the Capitol in the city of Albany on the eleventh day of July, 1898, at 8 o'clock in the evening.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L S] this fifth day of July in the year of our Lord
one thousand eight hundred and ninety-eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

APPOINTMENT OF AN EXTRAORDINARY
TRIAL TERM OF THE SUPREME COURT AT
RICHMOND

STATE OF NEW YORK

Executive Chamber

IT APPEARING to my satisfaction that the public interest requires it;

Therefore In accordance with the statute in such case made and provided I do hereby appoint an Extraordinary Trial Term of the Supreme Court to be held at the courthouse in Richmond, county of Richmond, on Wednesday the thirty-first day of August next at ten o'clock in the forenoon of that day and to continue so long as may be necessary for the disposal of the business which may be brought before it; and I do hereby designate the

Honorable EDGAR L. FURSMAN

of the city of Troy who is a justice of the Supreme Court of this State to hold the said Extraordinary Trial Term as hereinbefore described; and I do further direct that notice of such appointment be given by publication of this order once in each week for two successive weeks in the Staten Island Times and The Staten Islander newspapers published in the said county of Richmond.

Given under my hand and the Privy Seal of the

State at the Capitol in the city of Albany

[L s] this seventh day of July in the year of our
Lord one thousand eight hundred and ninety-eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

MESSAGE DECLARING THE OBJECTS OF THE EXTRAORDINARY SESSION

STATE OF NEW YORK

Executive Chamber

Albany July 11, 1898

TO THE LEGISLATURE OF NEW YORK:

Unusual events have made it necessary to convene the Legislature in extra session. There are three subjects which demand attention, and I recommend them for legislative action.

First. An appropriation to meet the expense of providing New York's share of the troops required in the war with Spain.

Second. A plan to enable voters absent from their homes in military service to vote at coming elections.

Third. A provision which will better protect citizens who would vote according to law, and more certainly prevent and punish those who would vote otherwise.

Before the adjournment in March, the Legislature appropriated \$1,000,000 to meet a contingency which it was hoped would never happen. Since then New York has put in the field 16,000 men, at an expense of \$960,493.72. There is an unexpended balance of \$39,506.28. A large part of the money paid out will be returned by the general government, but not in time to be available for present use. This expenditure has sent to service the best drilled, best equipped and best pre-

pared troops that any State has furnished. The purposes for which the appropriation has been expended appear in the Adjutant-General's statement, which I submit herewith. Such expenditures are given in detail on the books of the Adjutant-General's department, to which books I refer.

The justice of providing for the soldier's vote is clear. There will be in the field, when the present call is completed, about twenty thousand of the male citizens of New York. Most of them are voters. They have responded with such promptness and courage as to evoke the highest praise from the government at Washington, and from the loyal citizens of the whole country, regardless of State limits. In November there may be in the field more or less than now, but in the natural order of things, however speedily the war may end, some at least will be absent. Every honorable sentiment demands that the right of the soldier be recognized by the State whose fame he has preserved and extended.

The last subject which I have recommended is no less just or important than the other two. There are laws now designed to protect honest votes, and suppress those that are fraudulent, but none except the unintelligent or the unfair maintain that these laws are always effective. Perhaps no law can produce an absolutely clean result, but until that result is as honest as law can make it, the subject will never be closed. The overwhelming majority of the people of this State, of all political

faiths, believe in and will maintain a clean electoral franchise, but ever since men have dealt together, corruption has been extant and the time and means of the vast majority have been incessantly employed in attempts to confine the small minority within the restraints of law. There is no direction in which lawbreakers have been so defiant and successful as against the right of suffrage. The heat of political controversy has too often excused where it should have condemned. A temporary triumph has sometimes been gained at the cost of integrity, and the process has been ignored. No government can long endure which does not check and punish this highest of all forms of treason. Other offenses compared with it are small and insignificant. An honest franchise lies at the bottom of all governmental stability. You will enact laws in vain against theft and pillage, if the greatest evil, a corrupted franchise, goes uncleansed. It will profit little to save the veins if the arteries are clogged. It is far too common to make election crimes of the fall, public jests in the following spring. Honest, thoughtful citizens of this State see in recent events in New York city, a threatened repetition of practices which have on more than one occasion defrauded and disgraced the State.

When instruments are needed they are selected because of fitness for the end desired. This is true whether that end be honorable or base; and when recently in New York city the power to control elections was vested in one whose prominence rested upon notorious violations of the election law, the con-

clusion followed that the selection was made to repeat the infamous practices which had tarnished his previous career. High official station, accompanied with great power, has been there bestowed upon one whose name has had with election and other crimes the closest association. This increase of power, with no suggestion of increased fitness or integrity, has aroused the conservative citizens of every party to demand that the ballot be preserved from hands that hitherto have smirched it. The power to do this is vested in the Legislature. The duty to exercise that power cannot be evaded or denied. The authority rests with the Legislature of this State, but the demand comes from honest citizenship the country over.

Police control may be a subject for local regulation. What a community will do with and for itself, it alone should decide as long as that decision does not affect others nor transgress the bounds of decency and good morals. The general powers of the police in New York city should not now be interfered with. That body should be left as it is until the demonstration of its unfitness is again repeated and complete. But the question of an honest ballot is neither local nor State; it is national, and broader even than that, for it affects and controls as no other issue does, the integrity of citizenship, which has no limit. The national aspect of this question has in recent years received a signal declaration. The presidency has often turned upon the vote of New York, and within the memory of young men that high office has been once bestowed through the dishonor of the franchise

in a single community in this State. The question thus presented cannot, therefore, be narrowed to local significance, nor confined by the restraints of party affiliation. It is as broad as the whole country, and it is to the citizen, not to the partisan, that its appeal is made. By no false issue should that appeal be stifled or obscured. It antagonizes no sound doctrine and transgresses no precept of fair play. No honest man can suffer nor justly complain of a violated right.

There are many who say, perhaps some who believe, that unless this question is dealt with by each community, right or wrong, the principle of home rule is offended. Even this contention, utterly without significance in the face of the greater issue, is not true. Home rule means only the right of the community to deal in its own way with matters pertaining to it, provided its method of dealing is in accord with the Constitution, the law, and the rights of the people at large. No community shall commit a crime, even though done on its own territory. No man shall counterfeit or forge, even though he does it in his own cellar. The doctrine of home rule protects one case as well as the other, and is equally shocked by each. No city shall debauch the franchise and relieve itself from restraint by claiming that the fraud was done at home. The effect of a crime does not stay where it was done nor affect the perpetrator alone. It spreads and contaminates, and its boundaries cannot be fixed. As well might one claim the right to poison the source of a river because that source was on

his land. The plea of home rule will shield him against those on the course of the stream below as well as the same plea will shield those who poison in one spot, the franchise which is co-extensive with the republic.

The citizens of Plattsburgh or Watertown have the same right to demand an honest vote in New York city that they have to demand it at home, for in a general election the fraudulent vote destroys the power of an honest one, whether in the same box with it or in one three hundred miles away. Home rule is, in a small way, the doctrine of State rights, and has no greater scope. It is a privilege allowed by all to one, and cannot be used by that one to defraud the others. Within the limits intended by the Constitution it is a wise and salutary doctrine, but when it goes beyond the Constitution, beyond the laws, and protects the individual in outraging the multitude, it should be brought to the ground.

The same class which sees or claims to see in an effective election law, the violation of home rule, will also see the image of a force bill in every attempt to protect the franchise. This claim should neither mislead nor deter. Every law against crime is a Force bill. There is one against murder, arson and theft. The law upon either of those subjects would be at once amended if the amendment would improve it. No protest would be raised or heeded if it was, and yet there are perhaps as many who at heart oppose a force bill against larceny as there are those who oppose a force bill against election crimes. The reason why one protest is silent and the other uttered,

is because public sentiment condemns one and listens to the other. Those who profit by an evil will raise false alarms to distract the public mind while they repeat the dangerous advantage. And yet, of the two crimes, theft is the milder and less to be feared. One is a crime against property, the other against liberty. One can be measured and the damage fixed; the other has no limit and may shatter the foundation on which all property rights depend. No society is safe which fails to recognize the magnitude of this evil or refuses to cut it out. It is the great danger threatening the country to-day. If any community cannot or will not prevent it, the State should. When local authorities, clothed with a duty closely touching the welfare of the whole State, ignore or connive at its violation, the State itself should intervene. It should not permit its seven millions of people to be defrauded at the polls by the few thousand who make of corruption either a pastime or an occupation. By meeting this subject with justice and determination, the State will perform a most solemn and imperative duty, and crush out an evil which has brought upon it injury and shame. The responsibility for a law against crime is not upon those who make it, but upon those who make it necessary.

An honest election is not a political question. It is not against a political party, if all parties are honest. It is only against a class, the most degraded and dangerous by which society is menaced. If any political party or members of it have received or expect benefits from this class, they will condemn as a force bill any law which restricts the infamous.

trade in which that class engages. The State should be for the law and against the criminals. Individuals and parties should take whichever side their interests point out, and they should be forced to take it in public.

I have only one reluctance in proposing new legislation, and that arises from the necessity for increased expense. But New York should respond to the President's call. Her absent soldiers should vote, and when those votes return they should be protected sacredly. No cost is too great, necessary to these ends. All legislation involves expense. The State expends millions of dollars every year for its various purposes. There is not in all this vast expenditure, one subject whose influence is so paramount and clear as the electoral franchise. The country is in greater danger from an abuse of this franchise than from the war with Spain. All other subjects depend for their success and even for their continuance, upon an honest vote. Any expenditure, therefore, which surrounds that vote with additional shields should be promptly made. But in this, no large expense need be incurred. A comparatively small number, determined, backed by a just law, can accomplish much in the way of prevention. By prevention the law should be fulfilled, for its sole purpose should be to stop the commission of crime.

This question should be dealt with upon the broad lines of equal citizenship. No partisan advantage should be sought or allowed. Fair play is a rule which honest men cheerfully observe; others should be forced to observe it.

Legislation should be so framed that any man who attacks it must accuse himself. In all elections, where one of two

great parties must prevail, bipartisanship is the basic principle, because there the right to control is established, and in the process of establishing it every man who has a right to participate has a right to be represented. This principle of bipartisanship, recognized by the Constitution, should be incorporated in the law. Wherever one party is represented, both should be, by precisely the same number in precisely the same way. The law upon this subject should be confined strictly to the conduct of elections, and the preliminary steps which culminate on election day. Legislation affecting any existing police force, except as to its duties in connection with registration and election, and offenses against them, I distinctly decline to recommend.

I know you will keep in view a reasonable economy, and yet remember that an honest election must be had at any price; that you will act in the full determination to be just to the whole people, and yet remember that justice will be but poorly done if you do not so provide that the votes of hundreds of brave men, now suffering in the trenches, shall not be destroyed by the crimes of one degenerate who has remained at home.

I submit to you the three questions I have named, with full confidence in your wisdom.

FRANK S. BLACK

STATEMENT OF EXPENDITURES

STATE OF NEW YORK

Adjutant-General's Office

Albany, July 11, 1898

STATEMENT OF EXPENDITURES UNDER CHAPTER 181, LAWS
OF 1898

There are outstanding accounts for pay of rejected officers and men, subsistence, transportation-purchases and maintenance of Camps Black and Townsend, estimated not to exceed..... \$100,000 00

There will be required to replace the uniforms, packs, blankets, ponchos, cartridge belts, canteens, haversacks, cooking stoves, mess outfits, surgical field cases, medicine and tentage, surgical chests, hospital corps, and orderly ponchos taken by the National Guard organizations into the United States service, estimated..... 350,000 00

Actually paid out to date, July 11, 1898, as follows:

Pay of officers, soldiers, naval militia, and expenses incidental thereto	208,107 69
Uniforms, blouses, trousers, campaign hats and caps	81,623 05
Ponchos	2,925 00
Blankets	9,372 00
Leggings	3,018 00
Overcoats	4,205 00

Canteens and straps	\$900 00
Haversacks and straps	2,893 20
Cooking outfits and utensils	867 77
Medical supplies, instruments and medicines....	4,700 57
Camp equipage and camp repairs	2,279 50
Drums, bugles, colors and music.....	3,236 00
Electric light, lighting materials	1,630 66
Telegraph, telephone and postage.....	2,213 67
Freight, cartage and expressage	6,777 02
Fuel at camp	2,235 75
Tentage, poles, pins and repairs.....	14,895 69
Subsistence	91,297 45
Transportation and traveling expenses	22,779 08
Clerical services, printing, binding, laborers....	8,635 73
Horses, forage, straw and care of horses.....	28,524 50
Harbor patrol service	5,080 00
Coast signal service	770 34
Temporary building at Camp Black	1,526 05
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Total	\$960,493 72
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CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL INTRODUCTORY
No. 3, MAKING AN APPROPRIATION FOR THE
MILITARY OF THE STATE

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

IT APPEARING to my satisfaction that the public interest requires it;

Therefore In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate Bill introductory number 3 entitled "An act making an appropriation for the expenses of the National Guard and Naval Militia, and also for the National Guard and Naval Militia and Volunteers when called into service for the public defense or otherwise, and for the issue of bonds for such purposes."

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L S] this thirteenth day of July in the year of our
Lord one thousand eight hundred and ninety-
eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL INTRODUCTORY
No. 4, TO CREATE A METROPOLITAN ELEC-
TIONS DISTRICT

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

IT APPEARING to my satisfaction that the public interest requires it;

Therefore In accordance with the provisions of section fifteen of article three of the constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate Bill introductory number 4 entitled "An act to create a metropolitan elections district; provide for the appointment of a state superintendent therein, and to prescribe his powers and duties."

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this fourteenth day of July in the year of our
Lord one thousand eight hundred and ninety-
eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

MESSAGE RECOMMENDING CERTAIN LEGIS-
LATION

STATE OF NEW YORK

Executive Chamber

Albany, July 14, 1898

TO THE LEGISLATURE:

I RECOMMEND for your consideration the following subjects:

First, An appropriation sufficient to pay in full the expenses of the extra session of the legislature.

Second, The creation of a Metropolitan elections district having a state superintendent therein, with prescribed powers and duties.

Third, Bi-partisan representation on local election boards, which representation shall be based upon the recommendation of political parties or the committees thereof.

FRANK S. BLACK

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL INTRODUCTORY
No. 5, TO PROVIDE FOR THE VOTING BY
ABSENTEE SOLDIERS

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

IT APPEARING to my satisfaction that the public interest requires it;

Therefore In accordance with the provisions of section fifteen of article three of the Constitution and by virtue

of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate Bill introductory number 5 entitled "An act to provide the manner in which, and the time and place at which the qualified voters of the State absent from their respective election districts, in time of war, in the actual military service of this State, or of the United States, in the army or navy thereof, may vote; and for the return and canvass of their votes in the election districts in which they respectively reside, and making an appropriation therefor."

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this fifteenth day of July in the year of our
Lord one thousand eight hundred and ninety-
eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFYING TO THE NECESSITY OF THE
PASSAGE OF SENATE BILL INTRODUCTORY
No. 6, TO AMEND THE ELECTION LAW

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

IT APPEARING to my satisfaction that the public interest requires it;

Therefore In accordance with the provisions of section fifteen of article three of the Constitution and by virtue

of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate Bill introductory number 6 entitled "An act to amend section twelve of chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, entitled 'An act in relation to the elections, constituting chapter six of the general laws,' as amended by chapter three hundred and seventy-nine of the laws of eighteen hundred and ninety-seven, relating to the appointment and qualifications of election officers in cities."

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this fifteenth day of July in the year of our
Lord one thousand eight hundred and ninety-
eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL INTRODUCTORY
No. 7, TO PROVIDE FOR THE COST OF THE
EXTRAORDINARY SESSION

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

IT APPEARING to my satisfaction that the public interest requires it;

Therefore In accordance with the provisions of section fifteen of article three of the Constitution and by virtue

of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate Bill introductory number 7 entitled "An act making an appropriation for the expenses of the special session of the legislature, called by proclamation of the Governor, to convene on July eleventh, eighteen hundred and ninety-eight."

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this fifteenth day of July in the year of our
Lord one thousand eight hundred and ninety-
eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL INTRODUCTORY
No. 5, TO PROVIDE FOR THE VOTING BY
ABSENTEE SOLDIERS

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

IT APPEARING to my satisfaction that the public interest requires it;

Therefore In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby

certify to the necessity of the immediate passage of Senate Bill introductory number 5 entitled "An act to provide the manner in which, and the time and place at which the qualified voters of the state absent from their respective election districts, in time of war, in the actual military service of this state or of the United States, in the army or navy thereof, may vote; and for the return and canvass of their votes in the election districts in which they respectively reside, and making an appropriation therefor."

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this sixteenth day of July in the year of our
Lord one thousand eight hundred and ninety-
eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

THANKSGIVING PROCLAMATION

STATE OF NEW YORK

Executive Chamber

The law of the State, based on long established custom, authorizes the Governor to appoint a day of general thanksgiving, when the people may make special acknowledgment of their gratitude for the mercies of the year. Each year gives abundant occasion for thanksgiving, but

the one now closing has been filled with events which may well excite our deepest gratitude. Business prosperity has continued and increased; commerce and agriculture have yielded abundant results; charity has found new avenues; patriotism has received new impulses; and American civilization has entered new fields.

Let us be grateful that in so far as the accomplishment of these results depends on human agencies, our State has been able to contribute its part.

WHEREFORE, I, Frank S. Black, Governor, do hereby designate Thursday, the twenty-fourth day of November instant, as a day of general thanksgiving, and I recommend that on that day the people refrain from their ordinary pursuits, and assemble at their accustomed places of worship and give devout acknowledgment to Almighty God.

Done at the Capitol in the city of Albany this
seventeenth day of November in the
[PRIVY SEAL] year of our Lord eighteen hundred and
ninety-eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

DESIGNATION OF JUSTICE McLENNAN TO THE
APPELLATE DIVISION OF THE SUPREME
COURT

STATE OF NEW YORK

Executive Chamber

IN ACCORDANCE with section two of article six of the Constitution the Honorable Peter B. McLennan of the city of Syracuse who is a Justice of the Supreme Court of the Fifth Judicial District is hereby designated as Associate Justice of the Appellate Division of the Supreme Court in and for the Fourth Judicial Department, in the place of the Honorable Manly C. Green, deceased, late an Associate Justice of said Appellate Division, for and during the term of five years from the date hereof.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[PRIVY SEAL] this twenty-first day of November in the
year of our Lord one thousand eight
hundred and ninety-eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

ORDER RELIEVING SUPERINTENDENT AL-
DRIDGE FROM DUTY, AT HIS REQUEST.

STATE OF NEW YORK

Executive Chamber

✓ Charges of misconduct in office having been presented against George W. Aldridge, Superintendent of Public Works, and he having requested to be relieved from further performance of the duties of his office pending a judicial investigation of such charges; and it appearing to my satisfaction that public interest requires it:

Therefore, in compliance with such request, and in pursuance of the authority vested in the Governor by section three of article five of the Constitution, it is

Ordered, that the said George W. Aldridge be and he is hereby suspended from the exercise of the duties of the office of Superintendent of Public Works.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] second day of December in the year of our
Lord one thousand eight hundred and ninety-
eight.

FRANK S. BLACK

By the Governor:

WILLIAM M. GRIFFITH

Private Secretary

STATEMENT OF PARDONS,
COMMUTATIONS OF SENTENCE, AND REPRIEVES
GRANTED BY
•
FRANK S. BLACK, GOVERNOR,
DURING THE YEAR 1898

PARDONS.

January 5, 1898. Rufus B. Stillman. Sentenced March, 1877, to be executed; commuted May 25, 1877, to imprisonment for life; county, Monroe; crime, murder, first degree; prison, Auburn.

January 19, 1898. John Fleming. Sentenced October 26, 1894; county, New York; crime, burglary, second degree; term, five years and six months; prison, Sing Sing.

January 19, 1898. Daniel N. Pomeroy. Sentenced December 29, 1897; county, Niagara; crime, assault, third degree; term, thirty days; prison, Niagara County Jail.

January 28, 1898. William Harrigan. Sentenced March 4, 1897; county, Monroe; crime, grand larceny, second degree; term, three years and four months; prison, Auburn.

March 28, 1898. Martin S. Kittinger. Sentenced January 11, 1898; county, Orleans; crime, disorderly conduct; term, one hundred and twenty days; prison, Monroe County Penitentiary.

April 5, 1898. Clinton H. Mallison. Sentenced November 30, 1893; county, Genesee; crime, assault, first degree; term, eight years and two months; prison, Auburn.

May 10, 1898. William Moncrief. Sentenced March 17, 1891; county, St. Lawrence; crime, manslaughter, first degree; term, eighteen years; prison, Clinton.

May 19, 1898. Joseph Zarwicz. Sentenced October 2, 1896; county, Erie; crime, assault, second degree; term, three years and six months; prison, Erie County Penitentiary.

May 19, 1898. Frank O'Neill. Sentenced September 21, 1896; county, Cattaraugus; crime, burglary, third degree; term, three years and six months; prison, Erie County Penitentiary.

May 19, 1898. Henry G. Wynn. Sentenced November 2, 1894; county, New York; crime, grand larceny; term, six years and six months; prison, Sing Sing.

June 1, 1898. Walter Schuman. Sentenced October 30, 1893; county, Monroe; crime, rape, second degree; maximum term, ten years; prison, State Reformatory.

June 6, 1898. Edward J. Curry. Sentenced November 10, 1897; county, New York; crime, burglary, third degree; maximum term, five years; prison, State Reformatory.

June 8, 1898. William Baird. Sentenced May 17, 1895; county, Kings; crime, forgery, third degree; maximum term, five years; prison, State Reformatory.

June 8, 1898. James B. Vincent. Sentenced February 8, 1895; county, New York; crime, grand larceny, first degree; term, five years; prison, Sing Sing.

June 27, 1898. John Starace. Sentenced March 26, 1895; county, New York; crime, abduction; maximum term, five years; prison, State Reformatory.

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August 11, 1898. Edward Jacobs. Sentenced February 1, 1895; county, Kings; crime, grand larceny, second degree; maximum term, five years; prison, State Reformatory.

September 16, 1898. Alfred Zimmerman. Sentenced October 22, 1895; county, New York; crime, receiving stolen goods; maximum term, five years; prison, State Reformatory.

September 28, 1898. James H. Warner. Sentenced December 8, 1882; county, Tioga; crime, forgery, second degree; maximum term, ten years; prison, State Reformatory.

October 24, 1898. Sidney Appel. Sentenced December 7, 1896; county, New York; crime, grand larceny, second degree; maximum term, five years; prison, State Reformatory.

November 3, 1898. Irving Collins. Sentenced April 10, 1896; county, Erie; crime, manslaughter, second degree; term, eleven years; prison, Auburn.

November 9, 1898. Charles Zieres. Sentenced October 24, 1896; county, Sullivan; crime, assault, second degree; term, three years and six months; prison, Clinton.

November 9, 1898. William D. Davis. Sentenced May 28, 1897; county, Niagara; crime, bribery; term, two years and four months; prison, Auburn.

November 17, 1898. David Lieder. Sentenced November 7, 1894; county, Fulton; crime, manslaughter, second degree; term, fifteen years; prison, Clinton.

November 21, 1898. Thomas S. Burke. Sentenced October 29, 1894; county, Richmond; crime, manslaughter, second degree; term, ten years; prison, Sing Sing.

November 21, 1898. Frederick S. Hamilton. Sentenced June 30, 1894; county, Essex; crime, forgery, third degree; maximum term, five years; prison, State Reformatory.

November 21, 1898. Daniel Kennedy. Sentenced April 29, 1892; county, New York; crime, manslaughter, first degree; term, ten years; prison, Sing Sing.

November 21, 1898. Daniel Collins. Sentenced December 8, 1897; county, Erie; crime, attempt to commit robbery, first degree; term, five years; prison, Auburn.

November 22, 1898. George M. Judd. Sentenced October 11, 1897; county, New York; crime, grand larceny, second degree; term, two years and six months; prison, Sing Sing.

November 23, 1898. Augustus Weinhill. Sentenced October 9, 1897; county, Montgomery; crime, grand larceny, second degree; term, two years; prison, Clinton.

November 29, 1898. John Wallace. Sentenced December 9, 1897; county, New York; crime, robbery, first degree; term, ten years; prison, Sing Sing.

December 2, 1898. Fred. Fleming. Sentenced May 9, 1898; county, Essex; crime, burglary, third degree; term, three years; prison, Clinton.

December 6, 1898. Michael Callahan. Sentenced October 20, 1893; county, Allegany; crime, burglary and escaping from prison; term, nine years; prison, Auburn.

December 6, 1898. Thomas Greely. Sentenced January 10, 1896; county, New York; crime, receiving stolen goods; maximum term, five years; prison, State Reformatory; transferred to Auburn.

December 6, 1898. George H. Ogle. Sentenced February 4, 1886; county, New York; crime, murder, second degree; term, life; prison, Sing Sing.

December 8, 1898. Dennis Pemberton. Sentenced November 2, 1882; county, Niagara; crime, murder, second degree; term, life; prison, Auburn.

December 13, 1898. Michael O'Donnell. Sentenced April 30, 1888; county, New York; crime, burglary, first degree; term, thirty years; prison, Sing Sing.

December 14, 1898. Albert P. Wicks. Sentenced February 19, 1896; county, Ontario; crime, grand larceny, first degree; term, six years; prison, Auburn.

December 19, 1898. Frederick J. Munzberg. Sentenced November 17, 1880; county, New York; crime, murder, second degree; term, life; prison, Sing Sing.

December 27, 1898. Charles Darling. Sentenced September 16, 1895; county, Rensselaer; crime, grand larceny, second degree; maximum term, five years; prison, State Reformatory.

December 30, 1898. John Cronin. Sentenced December 23, 1895; county, Monroe; crime, arson, third degree; term, seven years; prison, Auburn.

December 30, 1898. John Dormody. Sentenced October 24, 1893; county, Rensselaer; crime, robbery, first degree; second offense; term, twenty years; prison, Clinton.

December 30, 1898. Frederick A. Cole. Sentenced April 25, 1898; county, Monroe; crime, grand larceny, first degree; term, three years and three months; prison, Auburn.

December 30, 1898. Frederick M. Kitching. Sentenced November 29, 1897; county, Kings; crime, grand larceny, second degree; term, five years; prison, Sing Sing.

December 30, 1898. William R. Lansing. Sentenced January 29, 1898; county, Monroe; crime, forgery, second degree; term, three years; prison, Auburn.

December 31, 1898. Philip Alwell. Sentenced February 20, 1879; county, Washington; crime, murder, second degree; term, life; prison, Clinton.

December 31, 1898. George Mulkins. Sentenced March 13, 1884; county, Dutchess; crime, murder, second degree; term, life; prison, Sing Sing.

COMMUTATIONS.

May 19, 1898. John Williams. Sentenced February 15, 1897; county, New York; crime, robbery, first degree; term, twenty years; prison, Sing Sing.

Commutated to ten years, subject to legal deducting for good conduct.

June 3, 1898. Michael Russo or Rossa. Sentenced December 9, 1887; county, Yates; crime, murder, second degree; term, life; prison, Auburn.

Commutated to twenty years, subject to legal deduction for good conduct.

June 8, 1898. Roselle W. Mitchell. Sentenced February 9, 1893; county, Oneida; crime, murder, second degree; term, life; prison, Auburn.

Commutated to ten years subject to legal deduction for good conduct.

June 21, 1898. George W. Post. Sentenced November 28, 1892; county, Albany; crime, robbery, first degree; term, ten years; prison, Clinton.

Commutated to eight years and six months, subject to legal deduction for good conduct.

October 17, 1898. Louis Gordon. Sentenced February 7, 1896; county, New York; crime, arson, third degree; term, six years and ten months; prison, Sing Sing.

Commuted to three years and nine months, subject to legal deduction for good conduct.

October 19, 1898. Leon Graves. Sentenced July 30, 1897; county, New York; crime, robbery, first degree; term, eighteen years; prison, Sing Sing.

Commuted to two years and six months, subject to legal deduction for good conduct.

December 1, 1898. Henry Levy. Sentenced February 8, 1897; county, New York; crime, arson, third degree; term, five years; prison, Sing Sing.

Commuted to three years, subject to legal deduction for good conduct.

December 6, 1898. William J. Rourke. Sentenced February 28, 1887; county, New York; crime, murder, second degree; term, life; prison, Sing Sing.

Commuted to twenty years, subject to legal deduction for good conduct.

December 9, 1898. Bartholomew Mahoney. Sentenced September 27, 1886; county, Rensselaer; crime, murder, second degree; term, life; prison, Clinton.

Commuted to twenty years and ten months, subject to legal deduction for good conduct.

December 30, 1898. Burton C. Webster. Sentenced October 3, 1892; county, New York; crime, manslaughter, first degree; term, nineteen years; prison, Sing Sing.

Commutated to ten years, subject to legal deduction for good conduct.

December 30, 1898. Diadora Barillo. Sentenced June 29, 1892; county, Orange; crime, murder, second degree; term, life; prison, Sing Sing.

Commutated to ten years, subject to legal deduction for good conduct.

December 30, 1898. Joseph Block alias George Block. Sentenced July 17, 1898; county, Kings; crime, burglary, first degree, and grand larceny, second offense; term, life; prison, Sing Sing.

Commutated to ten years, subject to legal deduction for good conduct.

PUBLIC ADDRESSES
AND
CORRESPONDENCE
OF
GOVERNOR FRANK S. BLACK
IN
1897 AND 1898

ADDRESSES

INAUGURAL ADDRESS DELIVERED IN THE ASSEMBLY CHAMBER OF THE CAPITOL AT ALBANY, JANUARY 1, 1897

GOVERNOR MORTON: The sentiments which you have uttered would be agreeable from any source, but they have an added value and significance coming from you, for many years a conspicuous public figure. In these days, when criticism has passed down into denunciation and fitness is too often measured by the power to bestow, the task of public office has become arduous and full of danger, but it is to-day your singular fortune to lay off the robes of public station with a larger share of affection and respect than is often bestowed upon a retiring public servant. If your official acts have not always met the people's approval, you have at least never lost the people's confidence. And no higher testimonial can be written of any man than this, that in these contentious times he stood at the spot where every conflict centered; and so commanded and disposed as never to relax his hold upon the faith of those who trusted him with power. This great measure of satisfaction and reward now belongs to you, and as you retire to enjoy it and to share the pride of its achievement with those whose close companionship will hereafter surround and sustain you, I hope you will indulge

me the high privilege of adding to the general applause my own expressions of approbation, not unmixed with personal sentiment.

FELLOW CITIZENS: A voyager leaving the first shore may depart followed by the hopes and loud acclaim of those who fitted out the ship, but if you listen intently to the tumult and the music you may find the note of confidence left out. You must wait for that until he has returned. Perhaps you may never hear it, but if it is lacking at the beginning of the voyage, let us hope to find it at the close. However meagre may be the signs of promise now, there is this which is not without hope: No executive this year will take the oath of office under a deeper sense of responsibility than he who now assumes with diffidence the great and unaccustomed burdens which the people of this State have imposed. Your counsel in all matters relating to the welfare of the State must always be received by those who realize that the first duty of a public servant is to guard the public interest. I shall strive during my career as Governor to be faithful in the performance of that trust upon which I now enter. To be watchful of the people's welfare and to execute their will, will be my earnest purpose, for in them abides the supreme command, and from them the last order must always come. And with this intention to serve you I shall associate, as far as I am able, the right of judgment and the sense of personal accountability which must always accompany the executive station.

No mistaken sense of power will prevent that just and careful treatment which is every citizen's due. No pride of opinion will retard the fullest recognition and acknowledgment of any view that may tend to the public good, and no intolerant clamor or irresponsible assault will force or prevent a single executive act. For I trust that no man believes the attribute of fear is worthy to play a part in the discharge of any public duty.

This government rests upon a foundation in which mutual tolerance is a chief support. The recognition of this adhesive power has built up upon this continent a government so unique and strong that no shock of foreign revolution or disaster has disturbed it, and even the clash and turbulence of civil war have not destroyed it. The foundations of our government are laid secure and deep, but a structure which even war could not overthrow may yield to intolerance and distrust. There are those who believe they see those images and potents that predict a storm. There are marks which I fear point to increasing dissatisfaction and unrest. Marvelous as our growth has been, we have not passed the point where human motives still control us and where human passions must be kept in check.

History, always repeating itself in circles, will distinguish that as the most enlightened government yet known which has so cultivated and raised its people up that they, secure in mutual honor and esteem, will dare exhibit to the world forbearance as the highest proof of courage.

I hope there is before us a distinction greater than which no people ever strove to reach; it is that when the next circle of wars is traced upon the earth, the American nation shall stand outside the baneful ring. There is upon us all a duty to curb the unbridled speech and act whose tendency is to weaken and dissever, and to cultivate that reason and careful moderation which shall draw and hold us near together

ADDRESS BEFORE THE MEMBERS OF THE UNIVERSITY CON-
VOCATION IN THE SENATE CHAMBER, JUNE 28, 1897

MR. CHAIRMAN AND MEMBERS OF THE CONVENTION: The interest felt in education marks the development of the community. Industry and even progress, to a considerable degree and in various ways, may exist where the standard of education is commonplace. But the larger forces that push out and conquer, that dispel darkness and build temples, and make the fondest dreams seem reasonable ambitions, must rest upon the base of high and conscientious scholarship. The structure of education in this country has been reared at great cost, and in this cost the element of money is but a grain upon the shore. It is the labor, the thought, the sacrifice, the patience, burned into it from the foundation to the towers, that have given it its grandeur, strength and permanence. Parts of it may sometimes be weak, but you must strengthen them, for in that temple is the hope of the race. Our obligations to the studious and thoughtful have

always been acknowledged. Energy and determination in an individual will seldom succeed unless guided by prudence. The courage and strength of a Nation give little assurance of security unless tempered by wisdom.

I sometimes doubt whether the obligation of the State to the scholar is as great as it used to be. In the earlier days of the Republic, the statesman, the politician and the scholar were the same. What any man possessed of education or enlightenment was devoted freely to his country. His individual attainments were his country's gain and at his country's service. It sometimes seems as though the scholar's path is narrowing as he advances. If that be true, it is not a promise but a danger. As the world enlarges, the scholar should broaden with the rest. He should grow to the size of a statesman, and not shrink to the crippled stature of a critic. Scholarship is degraded unless joined with charity and sense. Her domain should be the whole world, her subject the whole race, and she should be ashamed to let her voice be always prophetic of misfortune. Evils exist in the world, but men are very rare who have not heard of that. The need is for correction and for aid to those who are willing to attempt it. If a fire rages the call is not for one to tell how it could have been prevented or to chide those who fight it, but for help to put it out. It should be quenched first and discussed afterwards. One fighter on the spot is worth a thousand critics at home.

Scholars are going deeper and deeper every year, but the world would forgive them for not going so deep if they would

only have more breadth. If they dig wisely they may accomplish much, but little good is done by those who only burrow. The latter come to the surface only often enough to be astonished without comprehending. A partial comprehension makes many critics but no masters. Scholars should stay up in the light even though the sun be warm. They are confined too much in the study and are not enough out in the sun. They learn too much from books and not enough from experience. They rely too much upon what a thing is said to be instead of what it is. We have reached a period when not everything reported is certain to be true. If the scholar would sometimes mingle in the current of affairs, would step down from the shades of the bank and let that current touch him, he would know after that that not every man who enters the current goes over the dam. If he enters resolutely and works well he may bring some rubbish ashore, and even if the stream appears not to have been improved much where he stands, it will be clearer below.

I wish every scholar in the country would enter politics. If he did there would be no danger of harm to him, while the gain to his country would be lasting and substantial. There are abuses to be corrected, but nothing will correct them but work, and work can never be effective unless the efforts of many are combined. All those struggling for the same destination should be willing to reach it even by different roads, and each should remember that losing sight of another who has preceded by a different path is no proof that that other

has turned back. Nothing should ever be based upon impulse if conviction can be attained. The same forces aided by toleration will win a thousand times and the next thousand times, governed by distrust, will fail.

I have no right to speak to you as a scholar, for I claim only to have once started in that career, while you have pursued it all your lives, but I yield to no one in my admiration for the scholar and his work, and I rely upon this feeling to be my excuse to you for this admonition; think not only of what you have done, but also of the splendid possibilities which your place opens to you; remember not only the power that rests upon your shoulders as an educator, but also that the duty of a citizen rests beside it. If you are stronger than others, more can rightfully be demanded of you, and above all things remember this, that confidence is better than distrust, better as a weapon for you, better to encourage others who bear and realize responsibility.

ADDRESS BEFORE THE ARMY OF THE POTOMAC IN MUSIC
HALL, TROY, ON AUGUST 19, 1897

MR. PRESIDENT AND MEMBERS OF THE SOCIETY OF THE ARMY OF THE POTOMAC: You will be welcomed for the city and it is my privilege to extend to you a cordial welcome for the State. An honor coveted by every State in the Union has been bestowed upon Troy.

The annual ceremonies of the Society of the Army of the Potomac have become historic. The roll of its presidents includes the names of soldiers who will always be illustrious in the records of military achievements. The deeds of that Army whose glory this Society perpetuates are among the greatest of the Civil War. Yet the privilege of the city is not in receiving you only, great as that honor alone would be, but it is increased by the presence here of one whose career as a soldier and a statesman has fitted him to revive, in the presidential office, the best traditions of that high place. We welcome with ample hospitality the President of the United States, but in that welcome enters largely a feeling of personal respect and confidence for the dignity and character of William McKinley.

These meetings every year emphasize the value of that cause for which you once contended, and by reminding others of the stress and hardships through which you have passed, will render them more thoughtful and forbearing.

I am glad it is the fortune of the city to receive you now, for every year your ranks are growing thinner and faces long familiar, will soon have passed away. The debt will be ours, should it ever be your pleasure to visit us again, but if that visit is not in store, I wish you to carry away with you the knowledge of our gratitude for your past achievements, our pleasure at your presence now, and our fervent wish for the joy and comfort of your future.

ADDRESS OF WELCOME TO THE COLUMBIA POST OF CHICAGO,
AT BUFFALO, AUGUST 24, 1897

MR. PRESIDENT AND GENTLEMEN: The Columbia Post of Chicago has permitted me to extend to its guests a welcome to the State of New York. In discharging this agreeable task I wish first to extend to the Post my own acknowledgment of its favor and to make at least some imperfect expression of my pleasure at meeting its members within this State. To all its distinguished guests I am glad to offer the assurance that their presence here will be among the gratefully remembered events in the history of the city and the State. To the soldier there is always welcome wherever the recollection of heroic deeds survives, and as the time grows longer since the turmoil and struggle of war, the magnitude of the soldier's service grows more clear and the people's gratitude more profound. To President McKinley I have already extended welcome on more than one occasion, but I extend it again with growing satisfaction, for every meeting has increased my regard and every welcome has grown more sincere.

REMARKS AT THE G. A. R. CAMP-FIRE AT BUFFALO, AUGUST
24, 1897

FELLOW CITIZENS AND MEMBERS OF THE GRAND ARMY OF THE REPUBLIC: Meetings like this must revive in your remembrance scenes which the present generation will never understand. The sympathy and admiration of the world

are with you, but sympathy can never show to us what experience has shown to you. The struggles, privations, sufferings and dangers always present — to these things there is a force and vividness which these occasions must recall. No one but the sailor remembers the terrors of shipwreck, and no sympathy is so keen as his for those who went down in the storm. No one but the soldier remembers the hopeless privations of war or knows so well the pathos of an unrecorded burial. But if we cannot fully understand we can always feel, and even to you, old soldiers, we shall not yield in praises for the dead and in honor and affection for the living.

REMARKS AT RECEPTION TO HIM BY G. A. R., DEPARTMENT OF N. Y., AT BUFFALO, THURSDAY EVENING, AUG. 24, 1897

GENTLEMEN OF THE GRAND ARMY OF THE REPUBLIC, DEPARTMENT OF NEW YORK: Many years ago you demonstrated to your countrymen your bravery and power in time of war. You have since that eventful period impressed yourselves upon all the varying interests of civil life, and you are now binding closer together the faltering remnants of your beloved army, by the touching hospitality which in your own State you have extended to your veteran companions. I hope these reunions will never cease as long as gray-haired soldiers live with strength enough to come together and revive in each other's fading memory their deeds of glory and of sacrifice. The declining years of human life too often hold but little to

encourage and sustain. Departing strength will always mean increasing sorrow, and the last years of these quiet, unpretending heroes should be brightened by the knowledge frequently conveyed, that they are still held in the people's warm and tender recollection.

I never look upon an aged soldier that there do not arise in me thoughts that cannot find expression. His uniform so old, discolored, faded, and yet so proudly worn, have to me a meaning and a pathos that no other sight suggests. Perhaps my feelings are not thoughts, but only those emotions deep and lasting, which sweep across the mind and heart in the serious contemplation of great deeds.

I thank you for your words of kindness addressed through your commander to me, and I ask you to accept in reply my assurance that I, in common with every loyal citizen of every State, acknowledge my respect for the soldiers of the Grand Army of the Republic.

ADDRESS BEFORE THE GRAND ARMY OF THE REPUBLIC AT
BUFFALO, AUGUST 25, 1897

MR. PRESIDENT, MEMBERS OF THE GRAND ARMY OF THE REPUBLIC AND FELLOW CITIZENS: The struggle of the human race should be to reach that plane in civilization where the horrors of the world will not include the savage crime of war. We have not reached it yet, but let us hope the prayers of all the generations that have passed will find complete fulfillment in the future. Perhaps the genius of inven-

tion may discover implements of war so powerful and fatal that men dare not engage in armed contention. If war meant almost certain death to those who entered it, the Christian's zeal, the statesman's skill and the strong desire of all mankind to live, might, joined together, uphold the cause of peace. No other Union can maintain a long continued National repose, for the rivalries of men will overstep the bounds of prudence and integrity, and ambition halts before no enemy except the fear of death.

It has many times transpired in the uncertain progress of the world that the crisis of a Nation has been decided by its soldiers, and the value of that decision has depended upon the character of the victorious soldier and his power to improve and command himself; for after all is said of the splendor and fascination of war its only glory lies in the cause for which it was maintained and in the hope established by it of a broader civilization and a profounder peace.

Fortunate beyond any time or people has been the American people in the character of its soldiers, and more fortunate still has been the American soldier in the marvelous achievements he has wrought.

The reward to his country appears in the increasing strength of a re-united people, and in every household in the land in the enlarged freedom of the citizen. To the soldier for his courage and his sacrifice his country extends that affectionate gratitude which will always be the spring at which every high and tender inspiration will be renewed.

The people's willingness to confess their obligation no soldier will gainsay or doubt who saw the exhibition made not long ago in honor of their most distinguished general. The celebration of that day and the pomp and ceremony that attended it is an event to which the minds of patriots will constantly recur. To see what few who ever lived have seen was the high but solemn privilege of those who beheld that demonstration. Hour after hour the multitude, with sober and intent demeanor moved in one continuous tribute of veneration and respect. From every state and city and from those remoter regions where only matters of serious import penetrate, the citizens of every rank and circumstance were moved to come. Youth and old age then walked together side by side. The gauze and decoration of military display were mingled with those soldiers whose homely uniforms were long since christened by smoke and fire.

But all then felt and yielded to a single inspiration. The strength and virtue of society depend upon the force of obligations recognized and the highest of these obligations is that imposed by gratitude, the only one that cannot be enforced; not within the realm of contract or expression, it is beyond and supreme. And no profounder lesson could be taught than this, by the unexampled pageant of that day, that many years after his deeds were done and when his rugged face lived only through the mercy of the chisel and the brush, his countrymen still bearing their benefactor in their hearts were gathered from every quarter of the republic

to pay their homage at his tomb. His achievements and yours were their salvation. His fame and yours are their possession. They have enjoyed the blessings of one, the other they will cherish and defend.

In this age and country great names abound which time will not obliterate nor dim and among those names can be seen from every section of the globe the name of Grant. Yet he was neither scholar nor statesman, but a soldier, carved like all heroic figures, in strong lines for dangerous altitudes and great purposes. As we move away from him and years and events pass between us his outline will still be visible and distinct. Such characters built upon courage and faith and that loyalty which is the seed of both, are not the playthings but the masters of time. His benefactions have passed away and their memory may grow obscure, but his fame will continue forever. His place among the greatest of his countrymen is fixed for it was he of whom his friend once justly said, his name rests not upon the unsubstantial basis of things written or things said, but upon the arduous greatness of things done.

To every brave and honest soldier, though his fame be less, his countrymen extend the full measure of esteem, and to every soldier here, whatever his rank may be, I extend the cordial welcome of the State, remembering that they who do not wear the badge of office may still wear the decoration of noble service well performed; for power is not proclaimed by title nor heroes made by stars or epaulets.

There is one soldier here in whose welcome every citizen will join with unequaled zeal and fervor. Not alone because he holds the highest office in the world but because his character, unspotted through all his years, his impulses strong and high, his whole life by its unobtrusive power, have ennobled and enriched the office which he holds.

ADDRESS AT THE STATE FAIR AT SYRACUSE, AUGUST 27TH

MR. PRESIDENT, LADIES AND GENTLEMEN: I am glad to meet the representatives of the farming interests of New York. I have seen in various signs for the past few weeks the appearance of that confidence whose departure but a few years ago, was so sudden and complete. With re-established confidence, prosperity, which must always rest upon it, will be general and secure, and our business men no longer fearful of the changes of a single night, will not hold their breath in apprehension when the sun goes down.

To you farmers this change that is coming with unmistakable advance will be welcome and deserved. Your lot has been surrounded with many difficulties, and I am glad that the time is coming when your suspense already much too long, is drawing to a close. I am glad to meet you here, and to join with you in your mutual congratulations. I had no expectation of addressing you, but I should have long regretted it if I could not have overcome the obstacles which seemed likely to prevent this visit, for with you and all farmers I feel a close alliance and a deep and lasting interest.

ADDRESS AT THE COUNTY FAIR AT LOWVILLE SEPTEMBER
15, 1897

MR. CHAIRMAN, LADIES AND GENTLEMEN: I have never made long speeches except to my enemies, and I have every reason to believe that the people of Lewis county are my friends, and for that reason I shall not inflict a speech. I believe it is a bad policy to spoil a good visit with a poor speech. This visit promises to be one of the most agreeable I have had. I intended last year to visit Lowville at the time of your fair, and I am glad that it was simply a postponement and not a complete denial. This section has always possessed for me a strong interest. It is located near the forests and streams, and that adds to its attractiveness. Its merits are not described by its beauty alone, for the agricultural and mechanical industries of this territory are prosperous and active. I feel myself repaid for coming by the evidences I have seen of your handiwork and thrift and especially for the very cordial greeting you have given me.

REMARKS AT THE COUNTY FAIR AT MALONE, OCTOBER 6,
1897

MR. PRESIDENT, LADIES AND GENTLEMEN: In my youth I often heard of the independence of the farmer's life. The countless avenues of industry open in the East within the last few years, and the vast expanse of fertile territory afforded by the West, have modified this former independ-

ence in many ways. The uplands of the New England States are not tilled by people as they were, and in New York the inducements to agriculture have gradually fallen away. I believe we have touched the lowest point, and that from now on we shall steadily gain. Farmers will feel with all others that encouragement which is now general and well founded. The welfare of the farmer is of the highest interest to every patriotic citizen, for the farm is the never-failing source of that sobriety, thrift and independence without which the highest characters are never formed. For these no other place has ever equalled it, and agriculture is the bottom upon which all other industries must rest.

ADDRESS AT HAMILTON COLLEGE, CLINTON, NOVEMBER 16,
1897

MR. PRESIDENT AND GENTLEMEN: Every school will rejoice with you at the great prosperity which now distinguishes the career of Hamilton College. And when the schools rejoice the country must pay attention, for in the halls and at the desks are now developing those forces on which the welfare of the future will depend. Struggle is always the order of existence. It is the price we pay for living. It extends to every spot where natural laws hold sway. The centres of trade and population are no more its subjects than the remote and sheltered crevice, where the smallest forms of life contend for sustenance. Contention is the root of every enterprise and the cause of many failures. A blessing to-day,

a curse to-morrow, it is still the order everywhere. We cannot change this tendency, for it is fixed and immutable, and the motions of the universe depend upon it. But insignificant as we are, we may still impress ourselves upon and in some measure guide the forces whose influence will be felt forever. We cannot stop the war, but we can aid whichever side we choose. Character, charity, the graces and sublimities of life are not so high but that every man can crowd them up a little higher, and after all is said, these are the great things for which the wise and valiant have always striven.

Through all the history of the world the struggle has been mainly between the upper and the under. Equality will never be maintained. One must have the mastery. In this fact lies the scholar's opportunity. He may throw his strength for education in the fight against ignorance, for integrity against dishonor. He will have much to do, for the forces against him are naturally stronger than his own. In the struggle between vice and rectitude, between enlightenment and barbarism, the disposition, but not the course, tends slightly downward, for there is in morals and in civilization a law of gravitation, and the side which pulls toward the ground has the advantage which that law provides. It is easy to stand on the earth, but it is difficult to remain long above it. To stay in the valley where we are calls for no effort, but to climb the hill requires labor from which the majority will shrink. The view from the summit may be

clear and enticing but it must be earned at the cost of long and arduous endeavor.

It is your duty and your great distinction, gentlemen of Hamilton to encourage that love of contemplation, that intimacy with the ideal and the generous, that subjective strength which make men feel and understand that the great triumphs of the world must be achieved by the close alliance of intelligence, morality and courage. You must enlist in the cause of education and progress with such enthusiasm and resolve that that cause will feel the stimulus of your contact and support, and the tendency of the struggle will rise steadily toward a clearer atmosphere. Hamilton College has had an illustrious career. Her sons have adorned the various pursuits of life and attained the rewards of long and brilliant service. That they remember now the College which helped and sustained them in their youth is to her credit and their own. The cause of education will commend and praise them, and this occasion will be to them a proud and lasting tribute.

Perhaps I shall be forgiven if I extend to you my sincere congratulations that the presidency of this college is held by one whose attainments as a scholar, as an orator, as an executive are attracting the attention of the appreciative and thoughtful everywhere. You know and admire him but your association is so close and personal that I have yielded to this temptation to show him to you as a stranger sees him.

I thank you for the kindness which has filled this day with pleasure and which now fills me with reluctance at its close.

ADDRESS AT THE DINNER OF THE CHAMBER OF COMMERCE
OF NEW YORK, NOVEMBER 23, 1897

MR. PRESIDENT AND GENTLEMEN OF THE CHAMBER OF COMMERCE: The origin of this body was before the Revolution, and on many events since then it has left its mark. The development of the country, though unparalleled, has not been unattended with resistance. Growth must always make compensation for what it gains, and if there is no other way, that compensation must be made through suffering and peril. The growth of this country demonstrates that rule, for with all its wonderful advantages of wealth, of climate and position, it has faced its share of trouble and its people have sometimes stood where the fate of mankind would rise or fall by their determination. Nations are like men; if they progress too rapidly they must lose many of their friends. The world is small, and sympathy is more easily aroused at the misfortunes of others, than exultation at their prosperity. Too rapid success in another is a test which few friendships will endure. The United States has never been excepted from this fate. In peace it has brooded over her, and in war has threatened her destruction. But through all adversities and checks and rivalries, her strength has grown with every day and her influence, resting upon great achievements, has found its way to every place where human interests are involved.

The events which have led to these results have often grouped themselves about New York. What the skill of her citizens has devised and their hands performed has been sometimes the centre of the arch that held the rest. In in-

vention, in finance and in commerce, her lamp, has guided many an enterprise and her tracks have been followed with increasing confidence. But for what she has done she is entitled to no greater praise than many who have accomplished less. Her performances have been great because her powers have been sufficient. Gifts should be measured by the store from which they are taken, and achievements by the means supplied. Every one of the allied commonwealths which constitute this Union has contributed its share to the permanence and glory of the whole. Bound together by the recollections of the past and the hope and promise of the future, let us hope they will move forward to a destiny as yet imperfectly foretold. The labors of each shall stimulate the others, and actuated by no jealousies, inspired by generous rivalries, may they reach and hold the highest eminence, still united. If New York has in the past maintained the lead, she is under greater obligations now than ever to hold that place. The conditions which surround her are now and have always been the best upon this continent. She has had not only what she earned, but by her situation the benefits of others' labor have fallen in her lap. The commerce of the ocean naturally comes to her wharves and the traffic of a large portion of the country finds here its easiest outlet. On that part of the seacoast marvelous for its beauty, in the midst of a country picturesque and fertile, with a climate agreeable through all the seasons of the year, the wealth of other states and cities often finds its permanent abiding place in the city of New York.

These advantages, which come not by labor but by fortune, are likely to mislead us. We may attribute to our en-

terprise, benefits in which that enterprise had not the slightest part. We may feel that security and prominence which make us indifferent to gains that others covet. This spirit of satisfaction with ourselves and indifference to opportunities may seriously retard us. It is a spirit that has never failed to be disastrous to nations, communities and men. No matter what conditions may surround us, success will never be achieved and long retained except by vigilance and labor. It has been declared by many that the city of New York is neglectful of her opportunities; that through indifference, advantages she might have gained have gone to others in no sense her equal competitors. If this charge is not entirely true, it at least is not entirely false. A single illustration never proves a charge, but it may suggest and lead to others by which the proof may be complete. The commerce of New York has been larger than that of all other ports in this country combined. It has been and is the foundation of her prosperity and greatness. She can with less effort than any other city control the traffic coming from the land and from the sea. And yet with a magnificent harbor, with a population steadily increasing, she has sat here surrounded by railroads and rivers, and the ocean, and seen the main source of her power and her glory constantly decline.

I should feel that I misused your hospitality if I inflicted figures on an occasion like this, but I should also feel that I had failed in the main purpose of my coming if I did not urge upon you a careful study of the figures relating to your commerce. They show a marked and steady falling off, while

a corresponding gain has come to other places on the coast. There was a time when nearly seven-tenths of the imports and exports of this country were handled in New York. That has gradually diminished until now it is scarcely half. During thirty years last preceding 1896 the foreign commerce of New York shrunk from fifty-nine to fifty-one per cent., while Boston, with a smaller harbor, with no rivers or canals, has during the same period doubled hers. There may be other reasons for this unfavorable comparison, but this at least is one: Boston has done her best and New York has not. And it has often happened in the world that in time the best efforts of the weak surpass the indifferent efforts of the strong.

This society is organized to encourage commerce. That purpose is the main precept in a charter, whose age is now creeping up to a century and a half. In this Chamber of Commerce ever since its creation, have been many of the leaders of American enterprise. It has had a long and honorable history. Its influence has been powerful and its aims and purposes high. The growth of the city of New York is the pride of all the states, and there is no society of men here or elsewhere in whom greater confidence is reposed or on whom a greater obligation rests to maintain the proud supremacy which New York has long enjoyed.

Gentlemen, if I have not spoken strictly to the toast which you assigned to me, "The State of New York," it is because I feel that the larger meaning of that toast is not confined by territorial limits, but that the interests of the state embrace the welfare of all the people, and that as its past has been, so will its future be, commensurate with the country's needs and aspirations.

ADDRESS AT THE DINNER OF THE NEW ENGLAND SOCIETY
OF BROOKLYN, DECEMBER 21, 1897

MR. CHAIRMAN: 'One of the strongest influences in the world is recollection. We are governed, and the events in our lives are shaped, by all those motives that enter the complex product of existence. There is nothing so small but that it pulls us a little to one side or the other, up or down.

If we pursue a course intended to be straight ahead, it will move a little out of line, because the incidents along the way, while they could not defeat, have still modified the course of the dominating spirit that marked it out. Everything in the universe, they say, feels the influence of every other, and to some extent is moulded by it, and that influence will continue, though its source may be invisible.

The rock may be far underground, but the needle will quiver when it passes over it. There is no freedom which does not bow to its surroundings. There is no realm where any finite power can say its dominion is complete. The puny circle of our own affairs repeats the rule to which every power in creation must always yield. Urged by ambition, discouraged by need, strengthened by affection, but always within the narrow limitations of their own capacity, men go stumbling from their last achievement poorly done to the next, to be, perhaps, still more imperfectly performed. In the multitude the unit is nearly lost. But in all this confusion there is with every man some influence which he knows to be the strongest, and if you follow him when he thinks he is alone you will see him go so slowly that perhaps you may believe that he is reluctant. It is not reluctance but only

caution, lest some one may learn his secret, which he never shares with others. And when he uncovers it in solitude, perhaps in tears, you will find it is some memory perhaps so old it has upon it the dust of many years; but it is the rock to which he has clung in storms; it is the anchor which has kept his head to the wind; it is the balm which has steadied him in defeat and ennobled him in the hour of triumph.

Those in whom this influence is the strongest are themselves made stronger by it. By so much as their lives are governed by it, by so much will their deeds be more enduring. It is because I think I see in the New England people this emotion in its fullest strength that I always pay my homage to the New England character. New England is a rugged country; its winters are too cold and its summers are too warm; its grudging soil yields only to the hardest fight, and yet from its humble and unpretending homes have walked out through all its splendid history those characters whose deeds have changed the currents of the world, whose renown is the possession of mankind. There is no place which has not felt the tread of some New England child, no enterprise which has not felt his hand. In conflict he has stood always with the foremost, and in peace with the most forgiving. Wherever his varying career has taken him, or whatever new alliances his fortunes have joined him in, there has always been with him the benign and sobering influence of his early recollections. Without loyalty the world would fall apart. Whenever it leaves the human character that very instant, hand in hand, self respect and love depart; for loyalty is but affection, and affection feeds with never satisfied desire upon the recollections of the past.

You ask me to speak for the State of New York, but I decline. I claim the right in deference to the remembrances I have praised, to speak this once for the State of Maine. Tides will rise and fall by an influence whose source may be remote but whose power is ever present. As a son of New England I make the grateful acknowledgment that my tides have ebbed and flowed through influences which, though far removed, have never lost their strength.

In the few words I have spoken it may seem as though the thought of woman did not enter, but those women who are present I know will understand that in some member of their sex have often centered those recollections which, sanctified by years, have been the mainsprings of the world.

REMARKS AT THE DINNER OF THE NEW ENGLAND SOCIETY,
NEW YORK CITY, DECEMBER 22, 1897

MR. CHAIRMAN: There is nothing which needs so little decoration or which can so well afford to spurn it altogether, as the absolutely genuine. Imitations are likely to be exposed at first sight unless they are carefully ornamented. Too much embellishment generally covers a blemish in the construction. It therefore happens that the first-rate invariably rejects adornment and the second-rate invariably puts it on. The difference between the two qualities can be discovered easily enough at short range, and safety from exposure lies only in imperfect examination. If the vision is clear, and the inspection careful, there is no chance for the

sham ever to be taken for the genuine. These premises, established by the experience of many ages, are recognized universally, and among the many forms of activity in this very active age none is more marked than that of the first-rate to be found out and of the second not to be. This struggle is not confined or even modified by wealth, position or surroundings. It depends upon a principle further back, when the thing was made or the man was born. It is easier to conceal what a thing is, than to prove it to be what it is not. One requires concealment, the other demonstration. Sooner or later the truth will be revealed. Some time the decoration will fall off, and then the blemish will appear greater because of the surprise at finding it.

These reflections are suggested to me by this occasion which brings together the natives of New England and their friends. The annual gatherings of this society have always awakened interest, for among its members are many who exemplify the worth and independence of a fearless character. For the last fifty years in New York city the efforts which have pushed it to the front and held it there would have suffered a marked decrease without New England aid. In all its progress which has made it great and famous, the children of New England have been among the leaders. In professional life their names have been conspicuous. In that enormous volume which makes her business second in the world, they have touched elbows with those who hold their places at the front. In every army there must be a rear line, but no New England mother will search for her children there.

They have moved gradually, but always forward. No proclamation has attended their advance, and they have not been consumed by fear lest their value should be placed too low. Self-reliant, self-respecting, seldom self-indulgent, deserving the respect of others, always maintaining their own, the place they hold in this city excites the pride of every son of New England, whether at home or abroad. In every circumstance persistent courage will always make its way, and thousands who are proving this in every corner of the world are now remembering some spot within New England's borders from which their inspiration still is drawn.

If I sought the genuine in character and in purpose, the qualities that will bear inspection unadorned and grow stronger as the knowledge of them grows more complete, this society, I know, would pardon me if my first impulse brought me here to search among the sons and daughters of New England.

REMARKS AT THE DINNER TO RETIRING CHIEF JUDGE
ANDREWS OF THE COURT OF APPEALS, JAN. 19, 1898

MR. CHAIRMAN: This occasion expresses a sentiment whose strength depends upon the discipline of those who entertain it. It is the sentiment of respect for that authority which rests, not upon the fleeting attribute of temporal control, but upon the foundations of justice, which never change. All earthly conditions are subject to disturbance and reverse. The serenity and pride of the present may mark the road which, just around the bend, will encounter turmoil and humiliation. The boat which sails to-day with all the favors

of sun and wind, may to-morrow, too far from shore to hope for rescue, meet the resistless fury of the sea. The sturdy spirit whose armor seemed defiant of assault, will some time lie prostrate, having reached its end. In Nature everything is changing; but human affairs, so fickle and unsteady, are, compared with Nature, as the measured seconds of the clock to the solemn changes of the seasons. In the struggle and confusion all humanity seems to enter. Desire, once unchecked and under way, will throw restraint and reason from their seats and crush them in its path. In these surroundings, unsuited to calmness or reflection, some one must keep his head. He who is caught in whirling machinery is not the one to throw the belt from the revolving wheel. The cool head will be found outside the line of danger, outside the influence of wealth, ambition, power, which seek to make all things their own. The heads which even in these times are always cool; the judgments to which even the contentious turn, though sometimes with fear, yet always with respect, are the courts of justice. The wisdom of those who have long since passed away, has oftentimes received the veneration of posterity. But never was that wisdom more prophetic than when it placed the court, so far as human foresight could, upon a seat so firm and high, within seclusion so respected and profound, that the waves of conflict could hardly reach its feet. Its judgments may have carried discouragement, defeat and ruin, but its integrity has seldom been assailed. All ages have recognized some standard by which contestants must abide. The present age, whatever else its faults may be, has raised a standard which no other

has surpassed. If justice could be discovered, its application has been enforced. The long career of our judiciary has been marked with almost unbroken confidence and honor. From the beginning, the courts of New York have held a high place in the judicial history of the republic. If they were first at the beginning, they have held their own. If they were second then, they have gained one step. And while it seems sometimes as though things now are not as nearly perfect as they were; as though the closer we approach high standards the lower they appear, yet our courts still maintain the rank, and hold the confidence which have always made a seat upon them, the highest prize. But in my reverence for the courts, I shall not forget my admiration for those Judges, whose labors have proved that the historic worth of the early tribunals has not departed. Through many years of service, in which mind and conscience have devoutly worked together, the elder of your guests has fixed his name where succeeding generations will ever speak of him with honor and respect. The younger, who now takes a place, made harder by the character of those who have preceded him, will, in the long career which I hope he may enjoy, preserve the lustre which his predecessor has conferred.

ADDRESS AT THE EDITORS' ASSOCIATION, BUFFALO, APRIL
14, 1898

MR. PRESIDENT AND GENTLEMEN: An obligation is never so plain as when the neglect of it may result in disaster. No faculty is always at its height, because the tendency is to

slide down. But I think every man's experience is that at the spot where his duty is located the slope is a little steeper than at any other point. We are always in need of a stimulant if we make considerable progress. Those who deny this need are confined mainly to those who make few and small attempts. They are in the class that is satisfied to hold its own. But one can hold his own if he has no attribute except inertia. But if he would possess to-morrow that which is not his to-day; if he would throw the pack from his shoulders every night a little farther up the mountain than the night before, and every morning see the sun burst upon hills he never yet had known, he must be inspired by higher resolutions, led by stronger purposes than surround those in the valley through which he has trodden his way. These requirements should be seen and understood before the enterprise is undertaken; the determination should be formed at the outset, for if one enters upon a task which the best in him will achieve he has no right to fail. He should not attempt the altitudes if he is willing to meet only the hardships encountered in the plain. These reflections have nowhere greater force or closer application than at the point where young men conclude upon the course their energies in after life shall follow. At that point they should consider not whether they can stand the pressure in easy, ordinary times, but whether they can stand it when the gale strikes. They have no right to snatch rewards and flee from responsibilities; they should know that the entrance to the path in the spring may little resemble the other end of the same path in the fall. Whoever is not prepared for the worst

that an enterprise may offer has no business in it, for some time when the stress comes he may fall and take others with him.

I think I see in what I have said some special application to that profession in which many members here have wrought success. You have long enjoyed a period of comparative repose. The requirements of one day have been scarcely different from those of any other. If this even kind of living has its compensations it also has its penalties. The security is greater but the opportunity is less; for great capacities are tested only by great demands. That test is now provided, and on you more than any other class, save one, it is squarely placed. And if we consider the qualities of moderation, restraint and equipoise, so necessary in times of confusion, even that one exception will be removed, and your profession will stand nearer to the vital test than any other. A full understanding of a duty is necessary to its full discharge, and upon your understanding of your present obligations will perhaps depend the welfare of the country for many years to come. What you may say now will reach far and exercise a broad, effective sway. You may inflame or restrain, for the pulse of every community in the morning is the pulse of its newspaper the night before. There is upon you therefore, in addition to the obligations which truth and candor always impose, the unusual responsibility which springs from the acknowledged gravity of the present moment. There is always a danger that one may overrate his influence; there is sometimes a danger that he may underrate it. Of these two mistakes the latter is the worse, for it may bring

misfortune upon others, while the former will only bring disappointment to him who commits it.

I hope you will permit me the observation that your profession, least of all, can now afford the error of too small an estimate of your influence or responsibility. No man should put on epaulettes in time of peace who intends to take them off at the approach of war. In this sentiment every patriotic judgment will concur. But it is no less true that you, who, years ago, sought the honors and rewards of that profession whose influence is so potent and far reaching, are bound now, in this moment when excitement has the rein, to meet that profession's paramount exactions. To be temperate in statement, cautious in advice, pointing only those paths which you are willing to tread; these are the duties whose performance now falls upon you, and by their complete discharge you may render to your countrymen the highest service and demonstrate that the line of famous journalists, though lengthened, still retains its strength.

LETTER TO DISTRICT ATTORNEY OLCOTT
DECLINING TO APPOINT AN EXTRAORDINARY
CRIMINAL TERM

STATE OF NEW YORK

Executive Chamber

Albany, July 9, 1897

W. M. K. OLCOTT, Esq., *District Attorney, New York City.*

DEAR SIR: I have your letter of the 8th, requesting the appointment of an extraordinary criminal term in the county of New York for the retrial of the indictment pending against

James B. Duke and others for conspiracy. The case does not seem to me to be of such a character to justify the inconvenience and expense of an extraordinary term at this season of the year. It seems that there will be a regular term soon after the vacation at which the case can be tried, and I do not think that the circumstances warrant Executive Interposition now.

Sincerely yours

FRANK S. BLACK

THE SEVENTH REGIMENT

STATE OF NEW YORK

Executive Chamber

Albany, N. Y., June 25, 1898

Col. DANIEL APPLETON,

MY DEAR SIR: Your letter of the 17th to General Tillinghast and of the 22nd to myself, are both at hand. I realize the importance of the question which your letter presents. I have to the best of my ability, considered it both before and after your communications. I am obliged to decline your offer. The reasons which have influenced me seem to admit of no other conclusion. The position of your regiment and of others similarly placed, and the honorable and soldierly bearing of the National Guard, have made it just and proper that these reasons should be stated.

When the first call for troops came from Washington, the Government there asked that that call be filled by the National Guard of the different states. My strong personal wish was

that our National Guard should remain at home, and that the needs of the general government should be met solely by volunteers. I felt however, that the wisdom of the President, so universally recognized in the present emergency, was the only safe guide for the states to follow. Any other course on the part of New York either alone or with other states, would have been neither justified nor successful. The larger part of our National Guard therefore, departed under the call. The whole Guard could not go, for New York's quota was not large enough to embrace its entire Guard. For that reason and for no other, some of our regiments and separate companies were left at home. The Guard thus depleted, would have been inadequate protection to the state in case of riot or other disturbance, if the places of those departing had not been speedily filled. This was done, and the state administration has at all times felt able to meet any emergency that might arise. But those coming into the Guard under such conditions, were in many cases, untrained as soldiers. The remnant of the National Guard at home has been of the utmost value in supplying the needed training. The need for its services at home is as great now as ever. This state, with billions of property, millions of people, and of vast territorial extent, should not be left without a drilled militia. The established policy of the state has been to maintain the largest and best equipped National Guard in the country. To this end it has expended millions of dollars. To reverse this policy now, when no need demands it, when the country is not in danger, when hundreds of thousands of willing men are striving to enter the government service,

would be an act which every sane man in the state would condemn.

If the question of obligation alone is considered, we shall be led to the same conclusion, for the first obligation of the Guard is to the State. The relation existing between the two is established by many considerations. The state has built armories, provided uniforms and equipments, and established upon the broadest and most liberal lines a guard unmatched by any other state. For these things the guard has assumed a duty which it is bound to discharge. In years past it has met that duty with a fidelity and skill which has awakened universal gratitude and pride.

There is another consideration which to me is not the least. I have felt that under the first call many men went to the front who should have stayed at home. Their duty was here until the need of the country was greater than it has been at any time in the present trouble. Some enlisted under a pressure which was neither intelligent nor just, forcing them to a step which the necessities of the government did not require, and which was prompted mainly by fear of censure if they remained at home. I shall not permit that experience to be repeated. When there are thousands of volunteers it is no time for a draft. If the Seventh of New York, the Twenty-third of Brooklyn, the Seventy-fourth of Buffalo, or any of the separate companies of the state were asked to go, many would feel obliged to respond who should not. They have been criticised and misrepresented for staying at home. Rather than meet that criticism some would abandon duties at home which they are bound in honor to discharge. This would be true under a second call to a

greater extent than under the first, because the censure has been so long and so often repeated.

If the second call from Washington asked, as the first did, for the National Guard, I should yield to that request, in the belief that the National Government sees the whole plan of which I see only a part. But the second call does not come in the form of the first. Criticism, rabid and unreasoning, has forced many men to the front. It will not with my consent, force any more.

These are some of the considerations which move me to decline the generous offer of the old portions of the National Guard. The new portions of that Guard I shall call upon, because they enlisted with the purpose on their own part, and with the promise on the part of the state government, that they should have the privilege of going if a second call was made.

In declining the offers of the Seventh, the Twenty-third and the Seventy-fourth, and the old separate companies, which have been so freely tendered, I wish to declare my respect and admiration for the National Guard of this State, which has under every circumstance in the present emergency, so acted as to increase its own great reputation and merit the approbation of the State.

I am, with great respect,

Very truly yours

FRANK S. BLACK

THE CANAL INVESTIGATION

STATE OF NEW YORK

Executive Chamber

Albany, August 3, 1898

Hon. THEODORE E. HANCOCK, *Attorney-General, Albany, N. Y.*:

MY DEAR SIR: The Commissioners appointed under chapter 15 of the Laws of 1898 have filed with the Governor their report and the evidence upon which it is based. The testimony is voluminous, consisting of nearly 6,000 pages. The facts and conclusions stated in the report, while general in their character, present a condition which may become the subject of judicial investigation. The Attorney-General is the authority to which such investigation may properly be entrusted. I therefore transmit to you the testimony and report, with the request that you examine them for the purpose of determining at the earliest practicable day whether judicial proceedings should be instituted against any of the parties referred to in the testimony or report, and if such proceedings should be instituted, the nature thereof. I shall be glad to designate counsel to assist you in the examination of the matters submitted, and in any judicial proceedings which may be thereafter begun. If the testimony discloses conduct on the part of any person which subjects him to prosecution, that prosecution should be prompt and thorough. You may rely upon the support and co-operation of this department.

Respectfully yours

FRANK S. BLACK

STATE OF NEW YORK

Executive Chamber

Albany, Nov. 30, 1898

Hon. THEODORE E. HANCOCK, *Attorney-General, Albany, N. Y.*:

DEAR SIR: I have received your communication of this date, transmitting to me the report made by Hon. Edwin Countryman, designated as special counsel for the purpose of examining the report of the canal investigating commission and the accompanying testimony. In that report it is recommended that criminal proceedings, by indictment, be commenced against the State Engineer and Surveyor and Superintendent of Public Works.

You are hereby requested to immediately take charge of such proceedings on behalf of the State, and to institute and prosecute to their conclusion such criminal actions or proceedings as may be warranted by such reports and testimony; and you are hereby required to attend in person, or by one of your deputies, the Supreme Court, and appear before the proper grand jury thereof, for the purpose of managing and conducting such criminal actions or proceedings.

Special counsel will be designated to aid you, and the executive department will render to you in this matter any assistance within its power.

Respectfully yours

FRANK S. BLACK

STATE OF NEW YORK

Executive Chamber

Albany, N. Y., Nov. 30, 1898

Hon. THEODORE ROOSEVELT, *Oyster Bay, Long Island, N. Y.*:

MY DEAR SIR: Judge Countryman recommends in his report on the canal question, that criminal proceedings be instituted. I have requested the Attorney-General to begin such proceedings, and shall designate counsel to assist him. These proceedings will necessarily be continued under your administration. It seemed to me that you would desire to have some lawyer of your own selection connected with the proceedings from the beginning. I shall continue Judge Countryman, and if you will suggest to me the name of any lawyer acceptable to you, I shall be glad to designate him also.

Respectfully yours

FRANK S. BLACK

STATE OF NEW YORK

Executive Chamber

Albany, Dec. 23, 1898

Hon. EDWIN COUNTRYMAN, *Albany, N. Y.*

DEAR SIR: On the filing of your report as special counsel designated to assist the attorney-general in examining the report and testimony submitted to me by the canal investigating commission, I addressed a communication to the attorney-general on the 30th ult., calling his attention to the fact that

your report contained a recommendation that criminal proceedings by indictment be commenced against the state engineer and surveyor, and the superintendent of public works. I requested the attorney general to immediately take charge of such proceedings on behalf of the state and to institute and prosecute to their conclusion such criminal actions or proceedings as may be warranted by such reports and testimony; and he was also required to attend in person, or by one of his deputies, the supreme court, and appear before the proper grand jury thereof, for the purpose of managing and conducting such criminal actions or proceedings. I also informed the attorney-general that special counsel would be designated to aid him.

I therefore hereby designate and employ you as counsel to assist the attorney-general in the prosecution and trial of such criminal actions or proceedings, and to perform such services therein as may be necessary or proper.

Very truly yours

FRANK S. BLACK

THE IMPRISONMENT OF KAMPF

STATE OF NEW YORK

Executive Chamber

Albany, December 6, 1897

Hon. ALVEY A. ADEE, *Acting Secretary of State, Washington,*
D. C.:

DEAR SIR: Governor Black directs me to acknowledge the receipt of your letter of the third instant inclosing copy of a

note from the Minister of Denmark relating to the case of Carl Kristian Emile Kampf and to reply that the same will receive immediate attention.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, December 17, 1897

Hon. ALVEY A. ADEE, *Acting Secretary of State, Washington,*
D. C.:

DEAR SIR: Governor Black directs me to inform you that he has investigated the matter of the arrest and imprisonment at Fairport in this State of Carl Kristian Emil Kampf, as requested in your letter of the third instant, and to transmit to you copies of letters received from the committing magistrate, the Superintendent of the Penitentiary and the district attorney of Monroe County, fully explaining the circumstances.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, March 21, 1898

GEORGE D. FORSYTH, Esq., *District Attorney, Rochester, N. Y.:*

DEAR SIR: Governor Black has received from the State Department at Washington another letter relating to the case of Carl Kristian Emil Kampf and transmitting a copy of a communication from the Danish Minister, a copy of which is enclosed. From this document it would appear that Kampf claims that he left Rochester at about 5 P. M. on the 9th of August and that immediately upon his arrival at Fairport while he was still walking along the track not having stopped or loitered for a moment about the freight yard or railroad premises he was placed under arrest, hand-cuffed, and locked up for the night. His statement goes to show that he was merely walking along the highway or railroad track in a peaceful and orderly manner not interfering in any way with the railroad property and not in company with persons who were so interfering or intending to interfere and that without even the slightest ground for suspicion that he had done or was intending to do any wrong he was taken into custody, hand-cuffed and imprisoned and the next morning without any fair opportunity to defend himself was sent to the penitentiary as a tramp. He also complains that for 30 days after his arrival at the penitentiary he was not permitted to communicate with his friends. Mr. August Larsen of Rochester seems to have acted as Kampf's counsel in bringing the case to the

attention of the Danish Minister. On December 13 you wrote the Governor stating the facts of the case and a copy of your letter and of one received from the police justice was forwarded to the State Department. It was then supposed that nothing further would be necessary. But this later communication from the Danish Minister shows that he is not yet fully satisfied.

The Governor, therefore, directs me to request that you obtain affidavits from the police justice, from the officer who arrested Kampf, any from any others who may have any knowledge of the facts, showing all the circumstances of Kampf's arrest, the reason for his arrest, what the officer saw or knew Kampf to have done warranting his arrest, where the arrest was made, whether at the West Shore station or the Central station, or upon the track of either road, and generally what evidence there was upon which to convict Kampf had he not pleaded guilty. Also all the proceedings after his arrest by the magistrate's affidavit and that of any other persons who were present at the time going to show whether or not Kampf had a fair opportunity to defend himself or was sentenced without proper care on the part of the public authorities; what complaint or protest did he make at the time; also what ground there is for complaint that he was unfairly treated at the penitentiary in being prevented from communicating with his friends. The governor regrets being obliged to trouble you further with this case but there does not seem to be any other convenient way of getting at the facts and it is very de-

sirable that they should be very fully presented. I enclose for your information a copy of the letter and documents received from the Secretary of State.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, March 21, 1898

Hon. WILLIAM R. DAY, *Assistant Secretary of State, Washington, D. C.:*

DEAR SIR: Governor Black directs me to acknowledge the receipt of your letter of the 16th instant with enclosures relating to the case of Carl Kristian Emil Kampf. Before replying further the Governor desires to learn more fully from the magistrate and police office at Fairport some of the circumstances connected with Kampf's arrest. He hopes to do this within a few days and will then write you again.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, April 20, 1898

HON. WILLIAM R. DAY, *Assistant Secretary of State, Washington, D. C.*:

DEAR SIR: In reply to your letter of the 16th ultimo, heretofore acknowledged, with regard to the case of Carl Kristian Emil Kampf, Governor Black directs me to say that he has received from the District Attorney of Monroe County several affidavits which are enclosed and which show what took place before the magistrate by whom Kampf was committed to the penitentiary and his treatment by the superintendent of the penitentiary while there. The district attorney also endeavored to procure the affidavit of the officer by whom Kampf was arrested, but was unable to do so. Governor Black directs me to say further that upon a careful examination of all the facts he is clearly of the opinion that there is no ground whatever for Kampf's claim that he has been unjustly or unfairly treated by either of the public officers having to do with his case. The Justice appears to have acted fairly and considerately and to have proceeded with all proper caution to secure to Kampf all the rights of a person charged with a criminal offense. Upon being asked if he wished to consult counsel he expressly declined that privilege, and after a full examination had been made to him of the charge against him, he pleaded guilty; and all the circumstances go to show that he was in fact guilty. There does not seem to be any

cause for complaint with regard to his treatment at the penitentiary, the same rules having been enforced against him as are enforced against all prisoners there. By inadvertence of the Justice the commitment was irregular in form, but that resulted to Kampf's advantage, enabling him to gain his liberty before the expiration of his sentence. It is true that Kampf's statement of the facts is not in harmony with the statement made by the magistrate and other persons having knowledge of the case, but there is nothing whatever to corroborate him, and the weight of the evidence and all the circumstances from the time he left Chicago for New York with scarcely any provision for the journey, down to the time he was arraigned before the Justice, are decidedly against him. It is quite clear that he has suffered no wrong, and has no ground for complaint.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

PASQUALE ROSSI

STATE OF NEW YORK

Executive Chamber

Albany, February 13th, 1897

Hon. RICHARD OLNEY, *Secretary of State, Washington, D. C.:*

DEAR SIR: Governor Black directs me to acknowledge receipt of your letter of the 10th instant with enclosures re-

lating to the case of Pasquale Rossi charged with murder alleged to have been committed in Westchester County in this state in 1887.

The district attorney of Westchester County has been directed to give his attention to the case at once.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, April 5, 1897

Hon. W. W. ROCKHILL, *Assistant Secretary of State, Washington, D. C.:*

DEAR SIR: Governor Black is in receipt of your letter of the second instant relating to the case of Pasquale Rossi, and directs me to reply that the district attorney of Westchester county reports that he has no knowledge of the case; that he cannot learn that a charge of murder was ever made in that county against Rossi, and he is not in possession of any evidence to show that Rossi committed the crime.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, June 10, 1897

Hon. WILLIAM R. DAY, *Assistant Secretary of State, Washington, D. C.:*

DEAR SIR: Governor Black is in receipt of your letter of the 7th instant with enclosures with regard to the case of Giuseppe Ricci, supposed to have been killed by Pasquale Rossi. Directions have been given to the district attorney of Westchester county to make a thorough investigation of the case and to procure if possible copies of the documents mentioned in your letter, and forward them to this office. On receipt of the same the Governor will have them transmitted to you.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, August 19, 1897

Hon. ALVEY A. ADEE, *Second Assistant Secretary of State, Washington, D. C.:*

DEAR SIR: Governor Black directs me to transmit to you copy of letters received to-day from the district attorney of New York with regard to the case of Pasquale Rossi.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

THE CLAIM OF MRS. FISCHER

STATE OF NEW YORK

Executive Chamber

Albany, April 4, 1898

Hon. WILLIAM R. DAY, *Assistant Secretary of State, Washington, D. C.:*

DEAR SIR: Referring to your letter of March 24th with enclosures relating to the claim of Mrs. Fischer, a Swiss citizen, as one of the heirs at law of Charles J. Siegrist deceased, Governor Black directs me to say that he has received from S. Nelson Sawyer, County Judge and Surrogate of Wayne County, residing at Palmyra, N. Y., a letter stating briefly the condition of things with reference to the estate in question.

It appears that in the month of December, 1878, one Alois Siegrist of Newark, N. Y., a brother of the deceased, was appointed administrator. The petition for administration stated that the entire personal property did not exceed six hundred dollars. In August 1880 proceedings were instituted before the then Surrogate of the County for the sale of the real estate of the deceased for the payment of his debts, and in January 1883 a decree was made directing such sale and establishing the validity of certain debts amounting to about \$250. The real estate consisted of about one-half acre of land in Newark. No further proceedings seem to have been had under that decree, neither has any inventory of the personal property been filed. Nothing further appears to have been

done until some time in 1897 when proceedings were instituted by August Siegrist of Buffalo, N. Y. to compel Alois Siegrist, the administrator, to make a settlement of the estate, it being alleged that a large amount of property belonging to Charles J. Siegrist at the time of his death, had been converted by the administrator to his own use; but before any hearing could be had in the matter, Alois Siegrist died in December 1897, and Charles W. Siegrist and Emor E. Burleigh, both of Newark, were appointed administrators de bonis non of Charles J. Siegrist, and in March 1898 they filed an inventory stating that no property belonging to the estate had come into their possession. The proceedings which had been instituted against Alois Siegrist have been amended so as to substitute his executors in his place, and are now pending before Edward H. Kellogg, the District Attorney of Wayne County residing at Wolcott, who is acting as Surrogate, the Surrogate of the county having before his election, acted as attorney for August Siegrist. The persons interested in the estate ought now to proceed before the Acting Surrogate and show, if they can, that Alois Siegrist misappropriated property belonging to the estate of Charles J. Siegrist, and take such further steps as may be necessary to recover the same.

The public authorities can do nothing until those interested, move in the matter. Should any further information be desired it will of course be cheerfully furnished.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

PROTECTION OF SPANISH SUBJECTS

STATE OF NEW YORK

Executive Chamber

Albany, May 2, 1898

Hon. J. B. MOORE, *Acting Secretary of State, Washington,*
D. C.:

DEAR SIR: Governor Black directs me to acknowledge the receipt of your letter of the 28th ultimo enclosing copies of correspondence concerning the protection of Spanish subjects in the United States by the diplomatic and consular offices of France and Austria-Hungary, and to reply that he has informed the Mayor of New York of your communication and requested him to give notice to the proper officers. The Governor does not understand from your letter that action ought to be given to the authorities of any other city, but will of course cause the same to be given if desired.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

GREEKS IN NEW YORK

STATE OF NEW YORK

Executive Chamber

Albany, May 7, 1897

The Honorable SECRETARY OF STATE, *Washington, D. C.:*

SIR: I am directed by the Governor to acknowledge the receipt of your letter of the 5th to the effect that the Turkish

Minister has orally represented to the Department that organization of Greeks, with arms in their hands, have been parading in the streets of New York threatening Ottoman subjects whenever found.

The Governor has this day notified the Mayor of the City of New York to this effect and has asked for information.

Very truly yours

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, May 7, 1897

HON. W. L. STRONG, *New York City*:

DEAR SIR: I am directed by the Governor to send you a copy herewith of a letter which has been received from the Secretary of State at Washington, D. C., and to ask you to kindly give the Governor any information which you may have upon this subject.

The letter reads as follows:

“Department of State Washington May 5 1897

HIS EXCELLENCY THE GOVERNOR OF NEW YORK, *Albany, New York*:

SIR: I have the honor to state that the Turkish Minister has orally represented to the Department that organization of Greeks, with arms in their hands, have been parading in the streets of New York threatening Ottoman subjects whenever found.

Although the Department regards the laws of the State of New York as ample for the suppression of all lawlessness and for the punishment of all offenders and is confident that you will not hesitate to enforce them, the actual case arising, it has been thought prudent to thus acquaint you with the statements of Moustafa Bey, to the end that due notice may be given to alleged offenders against the public peace. A similar letter will be addressed to His Honor the Mayor of New York city.

Respectfully yours,

JOHN SHERMAN."

Very truly yours

WILLIAM M. GRIFFITH

Private Secretary

THE FOSTER CASE

STATE OF NEW YORK

Executive Chamber

Albany, August 3, 1898

Hon. WILLIAM R. DAY, *Secretary of State, Washington, D. C.:*

DEAR SIR: By direction of Governor Black I transmit herewith a copy of a letter received from the district attorney of New York together with copies of the enclosures therein mentioned relating to the case of William R. Foster, a fugitive from justice.

In his letter, the district attorney suggests that proper steps be taken to secure Foster's arrest and detention in England,

if found there, and Governor Black respectfully requests that this may be done.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, February 24, 1898

Hon. WILLIAM R. DAY, *Assistant Secretary of State, Washington, D. C.:*

DEAR SIR: Governor Black directs me to acknowledge the receipt of your letter of the 18th instant with enclosure referring to the extradition of William R. Foster and in reply to transmit to you a copy of a letter received this morning from the district attorney of the county of New York. Governor Black respectfully requests that, if consistent, you act as the district attorney suggests.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

THE GERMAN BARK "MAGDALENE"

STATE OF NEW YORK

Executive Chamber

Albany, August 24, 1898

The Honorable SECRETARY OF STATE, *Washington, D. C.*:

SIR: By direction of Governor Black, I have the honor to acknowledge the receipt of a letter from you, enclosing a copy of the note from the German Ambassador at Washington, in which he reports that the German bark "Magdalene" has been attached in the port of New York for the sum of \$20,000 for a certain claim, and that the local authorities have failed to notify the Imperial Consul General at New York of the proceedings as required by the Consular Convention of September 11th, 1871, copies of which are enclosed.

Governor Black directs me to say that steps will be immediately taken to place before the authorities in New York the contents of your letter.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, August 25, 1898

THOMAS J. DUNN, Esq., *Sheriff, New York City*:

DEAR SIR: Governor Black has received from the State Department at Washington a letter of which a copy together with a copy of the enclosures therein referred to is herewith transmitted to you.

Complaint is made by the German Ambassador that the stipulation of the Consular Convention of December 11, 1871, between the United States and Germany have not been observed in certain attachment proceedings in the city of New York against the German bark Magdalene. The letter does not state by what officer the attachment was levied, but as it may have been done by you or by some officer under your direction Governor Black directs me to call your attention particularly to the matter and to request that you give it such attention as may be necessary.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, August 26, 1898.

THOMAS J. DUNN, *Sheriff, New York City*:

DEAR SIR: Governor Black has received from the State Department at Washington a letter, of which a copy, together

with a copy of the letter therein referred to, is herewith transmitted to you.

You will observe that complaint is made by the German Ambassador that the stipulations of the Consular Convention of December 11, 1871, between the United States and Germany, have not been observed in certain attachment proceedings in the city of New York against the German bark "Magdalene." The letter does not state by what official the attachment was levied.

Will you kindly give us any information which you may possess upon the subject in order that such information may be transmitted to the Secretary of State at Washington?

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, August 29, 1898

The Honorable SECRETARY OF STATE, *Washington, D. C.*:

DEAR SIR: Permit me herewith to enclose for your consideration a copy of a letter received this day from Thomas J. Dunn, Sheriff of the county of New York, in reply to a communication of mine calling attention to the seizure of the German bark "Magdalene," referred to in your letter of a recent date.

You will observe that the seizure was made by the United States Marshal, who I think is under Federal control.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary.

Enclosure: Copy letter from Thomas J. Dunn.

WING LEE AT BUFFALO

STATE OF NEW YORK

Executive Chamber

Albany, August 26, 1898.

The Honorable SECRETARY OF STATE, *Washington, D. C.:*

SIR: By direction of Governor Black I have the honor to acknowledge herewith receipt of your letter of the 23rd inst. with a copy of the note from the Chinese Minister at Washington in which he directs the Department's attention to the case of one Wing Lee, a Chinese subject, residing in Buffalo, N. Y., who is alleged to have been assaulted and suffered grievous bodily injury.

The Governor will have an investigation instituted immediately covering that matter.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary.

STATE OF NEW YORK

Executive Chamber

Albany, August 26, 1898.

Hon. DANIEL J. KENEFICK, *District Attorney, Buffalo, N. Y.:*

DEAR SIR: I am directed by the Governor to enclose herewith a copy of a letter received from the Hon. Secretary of State at Washington together with a copy of the note of the Secretary of State from the Chinese Minister and certain affidavits in the matter of an alleged assault on one Wing Lee.

You will observe that the Secretary of State requests that you cause an investigation of the matter to be made and advise us of the result.

Very truly yours

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, September 30, 1898

D. J. KENEFICK, Esq., *District Attorney, Buffalo, N. Y.:*

DEAR SIR: Governor Black has received some further communication with regard to the matter of the alleged assault on Wing Lee, a Chinese laundryman, which has been the subject of previous correspondence with you. Will you kindly inform the Governor what, if anything, has been done in the matter.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, November 2, 1898

DANIEL J. KENEFICK, Esq., *District Attorney, Buffalo, N. Y.:*

DEAR SIR: Your letter of the 27th ultimo addressed to Governor Black relating to the case of Wing Lee, a Chinese subject, residing in Buffalo, and enclosing minutes of the testimony of witnesses examined by you, and also a letter written by you to Mr. Thomas S. King, the Police Justice, has been received. From these documents it appears quite clearly that on the 15th day of April last in the city of Buffalo an unprovoked and inexcusable assault was made upon Wing Lee whereby he received painful if not serious injuries; and that when he undertook in the manner pointed out by the law to bring the matter to the attention of the police justice no proper attention was given to his complaint; the hearing provided in such cases was refused, and he was ejected unceremoniously from the magistrate's office. There does not appear to have been the slightest excuse of justification for the summarily disposing of this case. Nothing in your letter or in either of the accompanying documents distinguishes it from that of any other complaint for a like cause, and the treatment it received at the hands of the magistrate seems clearly to have been unlawful, unjust and wholly unwarranted by any of the circumstances connected with it. The Governor is unwilling that it should so remain. The case has become of international concern, the Chinese Minister having called the attention of the State Department at Washington on to it; and the good name of the State requires that it should be taken in hand at once

by the proper public authorities, fully and fairly examined and perseveringly prosecuted until ample justice is meted out to every person connected with it. The Governor trusts that you will see that this is done without delay. I venture to suggest that, as the police justice seems to have to some extent pre-judged the case, the proceedings be instituted, if practicable, before some other magistrate. If you desire to make use of the documents sent with your letter I will return them to you.

Very respectfully

WILLIAM M. GRIFFTH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, November 16, 1898

DANIEL J. KENEFICK, Esq., *District Attorney, Buffalo, N. Y.:*

DEAR SIR: In reply to your letter of the 11th instant I am directed by the Governor to say that under the circumstances it will probably answer the purpose to have the proper proceedings taken before the Police Justice. The Governor's only desire in the matter is to have such steps taken as will avoid or remove all cause of complaint on the part of the Chinese Minister and whatever is necessary or adequate to that end ought to be done.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

STATE OF NEW YORK

Executive Chamber

Albany, December 9, 1898.

Hon. JOHN HAY, *Secretary of State, Washington, D. C.:*

DEAR SIR: In the month of August last Governor Black received a letter from the Department of State, together with a copy of a note from the Chinese Minister, calling attention to the case of Wing Lee, a Chinese subject residing in Buffalo in this State, who, it was alleged, had been assaulted by persons known to the police of that city, but had not been able to secure the punishment of the guilty parties because of the refusal and neglect of the authorities to bring them to justice. The letter was promptly acknowledged and pursuant thereto the district attorney of Erie county was directed to investigate the case and report to the Governor. On receipt of the district attorney's report, under date of October 27, (A copy of which is herewith enclosed, together with the stenographer's minutes and the letter of the police justice, referred to by him) the Governor directed him to cause criminal proceedings to be instituted against the persons alleged to have committed the assault and to prosecute the same diligently until justice should be obtained; and that, as the police justice seemed to some extent to have prejudged the case, the prosecution be had, if practicable, before some other magistrate. The Governor has now received the district attorney's report setting forth the proceedings taken in pursuance of the foregoing directions, a copy of which report, under date of December 5th, is enclosed. He desires me to say that the

prosecution appears to him to have been fairly conducted and he knows of no good ground for dissenting from the conclusion reached by the jury. He will, of course, be pleased to give such further attention to the matter as may be desired.

Very respectfully

WILLIAM M. GRIFFITH

Private Secretary

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